

From: James Hamilton <[REDACTED]>
Sent: 01 December 2020 21:37
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: FW: Scottish Ministerial Code

Yes please, [REDACTED]

Regarding Mr Ross's advice I will reflect on it. I think a phone call might be useful. I will also think about that and contact you tomorrow.

James

On Tue 1 Dec 2020 at 21:31 <[REDACTED]@gov.scot> wrote:
Hi James,

I don't think there was an attachment on this one- and on the Kevin Pringle one the response was in the text in the email trail, not as an attachment. Apologies, I had described it in a confusing way.

I think that sounds like a good way to respond to Mr Aberdeen- do you want me to draft something tomorrow morning?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 01 December 2020 15:59
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: FW: Scottish Ministerial Code

Hi [REDACTED]

I do not see any attachment.

I have a great deal of sympathy with Mr Aberdeen's point of view. The problem is that until I start writing I do not really know whether it will be convincing to write a report where only the leading actors are named. There may be a risk that without giving a very full and detailed account of evidence a report may lack credibility. On the other hand it may be that much of what I am told could be of little or no relevance.

Perhaps I should simply say that I will bear in mind the points he has very well made and with which I have a great deal of sympathy, but that I cannot give any undertaking in advance because until I have heard from all the witnesses I cannot anticipate what evidence will turn

out to be significant or what issues will be necessary to decide in order to draw firm conclusions. If it were possible to write a credible report without identifying people who are not public figures I would wish to do so. If a report is to be credible it has to set out very clearly the basis for its author's conclusions.

Best wishes

James

On Mon, 30 Nov 2020 at 21:40, <[REDACTED]@gov.scot> wrote:
Hi James,

We've had the following response from Mr Aberdein, seeking further clarification of the process surrounding the preparation of the report.

I think it would be relatively straightforward to provide each participant with the sections of the report that refer to them or their written submissions (Maxwellisation), but any commitments about publication of any of the written submissions could be more challenging.

Best wishes,

[REDACTED]

From: Geoff Aberdein <[REDACTED]>
Sent: 26 November 2020 12:50
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Scottish Ministerial Code

[REDACTED]

Apologies for the length of time it has taken me to respond.

My intention in sending the full submission was to provide helpful and broader context for Mr Hamilton and to assist his enquiries as best as I could.

My preference would be for the information held within simply to be referred to and not included in any report. However, if Mr Hamilton intends to include any of the information I have provided, I would appreciate an explanation why as well as the courtesy of being informed which specific material is intended for use and when it will be published.

I am a private citizen simply doing my civic duty and this whole situation, despite the fact I have done nothing wrong, has caused me significant personal and professional difficulty. I would appreciate Mr Hamilton's view as to whether my name has to be mentioned at all in any report?

Finally, I note in your email you confirm it is for Mr Hamilton to ensure that the report is consistent with the relevant court orders. As you will appreciate, I'm not a legal professional and cannot offer guidance in this regard.

Best wishes

Geoff

Sent from my iPad

On 10 Nov 2020, at 12:30, [REDACTED]@gov.scot wrote:

Dear Geoff,

Thank you for your email. Further to my previous email, I can confirm that Mr Hamilton has received your submission.

Mr Hamilton has sought information from witnesses for the purposes of fulfilling his task of reporting on the questions referred to him by the First Minister.

He will therefore be preparing a report for publication, and relevant information included in submissions will be included in or referred to in that report as appropriate. Mr Hamilton will also seek to ensure that the report is consistent with the relevant court orders on these matters.

If you are in a position to identify any particular material which you consider ought to be kept confidential it would be helpful for you to do so.

Please let me know if you need any more information.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

From: [REDACTED]
Sent: 30 October 2020 09:01
To: 'Geoff Aberdein' <[REDACTED]>
Subject: RE: Scottish Ministerial Code

Dear Geoff,

I am emailing to confirm that this email has been received. In terms of your question about how the submission will be used, Mr Hamilton will prepare a more detailed response setting out how he will use the written submissions in the preparation of his report, and I will send that over in due course.

Best wishes,

[REDACTED]

From: Geoff Aberdein <[REDACTED]>

Sent: 28 October 2020 10:30

To: [REDACTED] <[REDACTED]@gov.scot>

Subject: Re: Scottish Ministerial Code

[REDACTED]

Please find attached my submission to the Committee on the Scottish Government's Handling of Harassment Complaints.

I believe the content of this submission sufficiently answers the questions posed to me by Mr Hamilton in his letter of 8 September. However, if Mr Hamilton requires further information, please invite him to write to me and I will endeavour to assist if I can.

I would appreciate confirmation of receipt of this email as well as confirmation that the content of this submission will not be circulated further and used only for the purposes of assisting Mr Hamilton with his enquires under the auspices of the First Minister's self-referral under the Scottish Ministerial Code.

Yours sincerely

Geoff Aberdein

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James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]

Lorraine Kay
c/o Scottish Government

2 December 2020

Dear Lorraine Kay,

SCOTTISH MINISTERIAL CODE: FIRST MINISTER'S SELF-REFERRAL

As you may know, I have been appointed as the independent adviser to consider the First Minister's self-referral under the Ministerial Code. I attach a copy of the Parliamentary answer which sets out the remit for the referral.

My purpose in writing is to seek from you information to assist me in preparing my report.

Written submissions provided by other participants have indicated that Geoff Aberdein sought a conversation with you [REDACTED]

I would be grateful if you could confirm if this information is correct, and provide any further information you may have about this conversation or any meetings that were discussed that would be relevant to my remit.

It would be helpful to have your response to this letter by 15 December 2020. Please let me know if this deadline is likely to pose a difficulty for you or if you need any clarification about any aspect of my request.

Yours Sincerely

James Hamilton

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 02 December 2020 11:03

To: [REDACTED]@gov.scot>

Subject: RE: Correspondence- for comment

[REDACTED]

Many thanks.

[REDACTED]

Regards

Douglas

From: [REDACTED]@gov.scot>

Sent: 01 December 2020 20:49

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

Apologies, this has been sitting in my outbox since early afternoon- as the files are large it hadn't sent.

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 01 December 2020 08:19

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: Correspondence- for comment

Dear [REDACTED]

[REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 30 November 2020 17:46

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

Apologies, that's me not reading things carefully enough. [REDACTED]

Best wishes,

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 30 November 2020 17:23

To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Subject: RE: Correspondence- for comment

Many thanks for your prompt reply. A couple of points arising:

Many thanks.

Douglas

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 30 November 2020 16:59

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

Turns out my filing system is less dreadful than I thought. [REDACTED]

Best wishes,

From: [REDACTED]

To: 'Douglas Ross' <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

No problem at all.

Best wishes,

□ □ □ □ □

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 30 November 2020 15:52

To: [REDACTED]@gov.scot>

Subject: RE: Correspondence- for comment

□ □ □ □ □

I'm starting to look at this now.

If you were able to send these to me, I'd be grateful.

Happy to discuss any matters arising.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] [@gov.scot](#)>

Sent: 27 November 2020 17:52

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

Many thanks, I can confirm that there have been no further developments on this since the 24th November and that it would be really helpful to have comments early next week.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 27 November 2020 16:18

To: [REDACTED] [@gov.scot](#)>

Subject: RE: Correspondence- for comment

[REDACTED]

No apology required.

Can I just check that, now that the Lockerbie appeal is over, you would still like me to provide comments and that there have been no developments since your e-mail of 24 November?

If so, I will try to provide comments in the early part of next week.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: [REDACTED]
web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



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From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Sent: 25 November 2020 13:53
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Hi Douglas,

Thanks for letting me know, and apologies as I should have remembered that you had other commitments at the end of November.

I will let Mr Hamilton know.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 25 November 2020 11:10
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: Correspondence- for comment

Dear [REDACTED]

I'm well thanks but am one of the Crown counsel in the Lockerbie appeal which began yesterday and ends on Friday, so unable to attend to other matters this week.

Assuming the appeal ends on time - which I think it will - I can put this matter to the top of my agenda next week.

Regards

Douglas

Sent from my iPad

On 24 Nov 2020, at 20:44, "[REDACTED]" <[REDACTED]@gov.scot> wrote:

Dear Douglas,

I hope you are well.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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[REDACTED]

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From: [REDACTED]
Sent: 02 December 2020 10:51
To: [REDACTED] [REDACTED]@gov.scot>
Subject: RE: iFIX - S490662

Hi [REDACTED]

Many thanks. Please see attached PDF letter, and accompanying document.

Best wishes,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 02 December 2020 09:07
To: [REDACTED]@gov.scot>
Subject: RE: iFIX - S490662

Hi [REDACTED]

We can send it for you that's no problem. Can you please send me a PDF copy of the letter?

Thanks,

[REDACTED]

[REDACTED]

People Advice and Wellbeing Support Officer

E1 Spur | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

T: [REDACTED] | Ext: [REDACTED]

Supporting the People Strategy by [Improving Online Guidance](#) - HR Help can help if you can't find what you need on saltire - [REDACTED]

Take control of your health and wellbeing with the Scottish Government Collaborative Partners Wellbeing Zone.

<https://sg-help.wellbeingzone.co.uk/>

Set realistic goals and track your progress. Follow your own personal fitness programmes.

Take a wellbeing assessment and review your score.

The organisation code is SG.

From: [REDACTED]@gov.scot>
Sent: 26 November 2020 12:00
To: [REDACTED]@gov.scot>
Subject: RE: iFIX - S490662

Hi [REDACTED]

Sending on a letter to the address that you have on file for [REDACTED] would be perfect, I don't think there is anything else I would be looking for.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot>

Sent: 26 November 2020 09:37

To: [REDACTED] <[REDACTED]@gov.scot>

Subject: RE: iFIX - S490662

Hi [REDACTED]

Thank you for your email.

Can I ask what you would therefore like HR to do? For example, send on the letter to Lorraine's home address or is there something more?

Thanks,

[REDACTED]

[REDACTED]

People Advice and Wellbeing Support Officer

E1 Spur | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

T: [REDACTED] | Ext: [REDACTED]

Supporting the People Strategy by [Improving Online Guidance](#) - HR Help can help if you can't find what you need on saltire - [REDACTED].

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<https://sg-help.wellbeingzone.co.uk/>

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Take a wellbeing assessment and review your score.

The organisation code is SG.

From: [REDACTED]@gov.scot>

Sent: 25 November 2020 14:37

To: [REDACTED]@gov.scot>

Subject: RE: iFIX - S490662

Hi [REDACTED]

No problem at all.

I am currently acting as secretariat for James Hamilton, independent advisor, who is leading work on the First Minister's self-referral under the Scottish Ministerial Code, which was announced on 13 January 2019 and resumed in August 2020.

Mr Hamilton is a former Director of Public Prosecutions in Ireland and has been an independent adviser since January 2013.

The remit for the referral is to:

1. Review any relevant documentation relating to the meetings and discussions listed above.
2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.
3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.
4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.
5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;
 - ii. whether there has been any breach of the Code and the nature of any such breach; and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.
6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

As part of this work, Mr Hamilton would like to seek a written submission from a former Civil Servant, [REDACTED] who previously worked in the First Minister's private office. I therefore wondered if this was something that HR would be able to facilitate? I have a draft letter prepared.

Happy to discuss.

Best wishes,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 25 November 2020 11:55
To: [REDACTED]@gov.scot>
Subject: RE: iFIX - S490662

Hi [REDACTED]

It's no problem. Can you please provide me with slightly more information?

Thanks,

[REDACTED]

[REDACTED]

People Advice and Wellbeing Support Officer

E1 Spur | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

T: [REDACTED] | Ext: [REDACTED]

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Take a wellbeing assessment and review your score.

The organisation code is SG.

From: [REDACTED]@gov.scot>
Sent: 24 November 2020 16:29
To: [REDACTED]@gov.scot>
Subject: RE: iFIX - S490662

Hi [REDACTED]

Apologies for the delay in getting back to you, I've been out of the office most of the day for a medical appointment.

I can explain a bit more about what I'm hoping to do, but the short summary is that I would like to send an item of correspondence to a former civil servant, and was hoping that your team might be able to facilitate that for me.

Happy to discuss.

Best wishes,

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 24 November 2020 08:44
To: [REDACTED]@gov.scot>
Subject: iFIX - S490662

Hi [REDACTED]

I have received your ifix call reference S490662, how can I help?

Many thanks,
[REDACTED]

[REDACTED]
People Advice and Wellbeing Support Officer

E1 Spur | Saughton House | Broomhouse Drive | Edinburgh | EH11 3XD

T: [REDACTED] | Ext: [REDACTED]

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The organisation code is SG.

James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]@gov.scot

[REDACTED]
c/o Scottish Government

— 2 December 2020

Dear [REDACTED],

SCOTTISH MINISTERIAL CODE: FIRST MINISTER'S SELF-REFERRAL

As you may know, I have been appointed as the independent adviser to consider the First Minister's self-referral under the Ministerial Code. I attach a copy of the Parliamentary answer which sets out the remit for the referral.

My purpose in writing is to seek from you information to assist me in preparing my report.

Written submissions provided by other participants have indicated that Geoff Aberdeen sought a conversation with you [REDACTED]
[REDACTED]
[REDACTED]

I would be grateful if you could confirm if this information is correct, and provide any further information you may have about this conversation or any meetings that were discussed that would be relevant to my remit.

It would be helpful to have your response to this letter by 15 December 2020. Please let me know if this deadline is likely to pose a difficulty for you or if you need any clarification about any aspect of my request.

Yours Sincerely

James Hamilton

Question S5W-31054: Clare Adamson, Motherwell and Wishaw, Scottish National Party, Date Lodged: 03/08/2020

To ask the Scottish Government whether it will provide an update on progress with the First Minister's self-referral under the Scottish Ministerial Code, which was announced on 13 January 2019.

Answered by John Swinney (03/08/2020):

In my response to S5W-21344 on 31 January 2019, I advised Parliament that the Ministerial Code referral had to be paused to avoid any risk of prejudice to live criminal proceedings.

Since the conclusion of those proceedings, the attention of the Government has been

focussed on leading Scotland's response global health emergency. In light of the progress that has been made we are now able to re-commence the referral.

The referral will be led by James Hamilton, who is a standing member of the panel of independent advisers. Mr Hamilton is a former Director of Public Prosecutions in Ireland and has been an independent adviser since January 2013.

Mr Hamilton will now proceed with the referral and report as soon as he is able. The report will be published in line with the terms of the remit.

The remit for the referral is as follows:

Ministerial Code Referral: Remit for Independent Adviser

Background

It has been alleged that the First Minister breached the Scottish Ministerial Code in that she failed to feed back the basic facts of meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code. The meetings and discussions in question took place on:

- 29 March 2018 – Meeting between Ms Sturgeon and Geoff Aberdein, former Chief of Staff to Mr Salmond, Scottish Parliament
- 2 April 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 23 April 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.
- 7 June 2018 - Meeting between Ms Sturgeon and Mr Salmond at SNP Conference, Aberdeen.
- 14 July 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 18 July 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.

It has been further suggested that, in light of those meetings, the First Minister may have attempted to influence the conduct of the investigation then being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure for Handling of Harassment Complaints involving Current or Former Ministers ("the Procedure").

Scottish Ministerial Code

The key relevant extracts from the Code are:

1.6. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions to Parliament and the public. The First Minister is, however, the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of those standards. Although the First Minister will not expect to comment on every matter which could conceivably be brought to his or her attention, Ministers can only remain in office for so long as they retain the First Minister's confidence.

1.7. Where he or she deems it appropriate, the First Minister may refer matters to the independent advisers on the Ministerial Code to provide him or her with advice on which to base his or her judgement about any action required in respect of Ministerial conduct. The findings of the independent advisers will be published.

Contacts with External Individuals and Organisations, including Outside Interest Groups and Lobbyists

4.22 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Meetings on official business should normally be arranged through Private Offices. A private secretary or official should be present for all discussions relating to Government business. Private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements carried out by all Ministers is published three months in arrears.

4.23 If Ministers meet external organisations or individuals and find themselves discussing official business without an official present – for example at a party conference, social occasion or on holiday – any significant content (such as substantive issues relating to Government decisions or contracts) should be passed back to their Private Offices as soon as possible after the event, who should arrange for the basic facts of such meetings to be recorded in accordance with paragraph 4.22 above.

The First Minister has, accordingly, referred the matter for consideration by one or both Independent Advisers for advice on which to base her judgement about any action required in accordance with the Code.

Remit

The remit for the referral is to:

1. Review any relevant documentation relating to the meetings and discussions listed above.
2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.
3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.
4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.
5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;
 - ii. whether there has been any breach of the Code and the nature of any such breach; and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.
6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Timing

The Independent Adviser is invited to commence the investigation and submit a report as soon as possible.

Publication

The terms of this remit will be published.

The final report will be published. If required, the report will be redacted to remove the risk of any complainer being identified and otherwise to ensure compliance with the terms of the order made by the court in the criminal proceedings.

Payment

Appointment as an Independent Adviser does not attract payment. Reasonable travel and subsistence costs will be paid in line with normal Civil Service rules.

Secretariat

The Scottish Government will provide secretariat support as required.

Current Status: Initiated by the Scottish Government. Answered by John Swinney on 03/08/2020

Re: Draft letter to AS

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Thu, 03 Dec 2020 17:36:47 +0000

Hi [REDACTED]

Let's leave it until the morning. It doesn't go much further than the earlier letter but I think it is as far as I can go. Have you any comments?

James

On Thu, 3 Dec 2020 at 17:34, <[REDACTED]@gov.scot> wrote:

Hi James,

Many thanks. Would you like me to issue this now?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 03 December 2020 17:28
To: [REDACTED]@gov.scot>
Subject: Draft letter to AS

Dear [REDACTED]

I have redrafted the letter to AS.

Best wishes

James

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Draft letter to AS

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Thu, 03 Dec 2020 17:27:53 +0000
Attachments: 3 Dec Draft Letter to AS (4).docx (8.87 kB)

Dear [REDACTED]

I have redrafted the letter to AS.

Best wishes

James

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3 December 2020

Draft letter to Alex Salmond

Dear Mr Salmond

Thank you for your letter of 23 November sent via email to [REDACTED] [REDACTED].

I consider it necessary in order for me to fulfil my remit that I obtain a full understanding of what was the purpose of the meetings between you and the First Minister and what occurred at them. Your evidence is therefore of great importance to me.

I am prepared to consider any arguments you may wish to advance about the scope of my remit. However, until I know what evidence you wish to give it would be premature for me to form a decided opinion on this question or, in the event that I accepted your arguments, on how I should then proceed.

My inclination is to think that in the case of matters which form part of or are closely related to the subject matter of the remit it could be open to me to consider whether any provisions of the Ministerial Code other than those mentioned expressly in the remit had been broken. However, that situation is distinct from broadening the factual scope of the inquiry. I am, of course, prepared to consider any arguments you may wish to make before coming to a final conclusion on this point.

Although the procedure for an inquiry by an independent advisor under the Ministerial Code is a relatively informal one the rules of natural justice apply including in particular my obligation to hear both sides of any question which arises for determination. This, in my opinion, extends not only to the consideration of evidence but also to any questions which may arise as to the scope of the remit.

It follows that if a question arises as to whether a particular matter can be regarded as falling within the scope of the remit or, if it does not, whether that scope ought to be expanded, it would be wrong of me to take a decided view on those issues based solely on your submissions without also giving the First Minister an opportunity to comment on them.

I would therefore suggest that you let me see your proposed evidence as soon as possible, together with any observations you may wish to make about the scope of the remit. If necessary I will then seek the First Minister's observations before I decide how I should deal with the matter.

Finally, with regard to your suggestion that there was a "criminal leak" to a newspaper I have no function to investigate crimes which should be reported to the proper authorities.

Yours sincerely

From: [REDACTED]
Sent: 03 December 2020 15:02
To: Douglas Ross <douglas.ross@advocates.org.uk>; James Hamilton
[REDACTED]
Subject: RE: Correspondence- for comment

Dear Douglas,

Would it be possible to arrange a call between you and Mr Hamilton for later this afternoon- say around 15:30?

I've copied in Mr Hamilton so that you can make arrangements for which phone number or method of call- Whatsapp or mobile etc- would be most suitable.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 03 December 2020 12:23
To: [REDACTED]
Subject: RE: Correspondence- for comment

Dear [REDACTED]

I have a consultation today at 2 for which I am currently preparing. It should be finished by 3.30, possibly sooner. I should be free then until 4.30 and again later on between 6 and 7.

Tomorrow is tricky. I have a mediation which starts at 9, but could speak between 8 and 9. I would also be free after it finishes, but when that will be is hard to predict.

Regards

Douglas

From: [REDACTED]
Sent: 03 December 2020 09:33
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Dear Douglas,

That was indeed the content of the letter.

Mr Hamilton is considering your advice, and might welcome a conversation about it. He hasn't completely decided that a conversation is necessary, but has asked that I check if you have any availability today or tomorrow for a short conversation.

Happy to discuss.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 02 December 2020 11:03
To: [REDACTED]
Subject: RE: Correspondence- for comment

[REDACTED]

Many thanks.

I assume that, in writing to Mr Hamilton, the DFM simply drew attention to the responses to Mr Cole-Hamilton and did not make any further observations about the scope of the remit [REDACTED]

[REDACTED]
[REDACTED]

Regards

Douglas

From: [REDACTED]
Sent: 01 December 2020 20:49
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Hi Douglas,

Apologies, this has been sitting in my outbox since early afternoon- as the files are large it hadn't sent. I have received your later response [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 01 December 2020 08:19
To: [REDACTED]
Subject: RE: Correspondence- for comment

Dear [REDACTED]

The initial correspondence is helpful. [REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas

Douglas Ross QC Ampersand Advocates

phone: 07739 639257

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]

Sent: 30 November 2020 17:46

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

Apologies, that's me not reading things carefully enough. [REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 30 November 2020 17:23

To: [REDACTED]

Subject: RE: Correspondence- for comment

[REDACTED]

Many thanks for your prompt reply. A couple of points arising:

[REDACTED]

[REDACTED]

Many thanks.

Douglas

From: [REDACTED]
Sent: 30 November 2020 16:59
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Hi Douglas,

Turns out my filing system is less dreadful than I thought. [REDACTED]
[REDACTED]

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 30 November 2020 16:49
To: 'Douglas Ross' <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Hi Douglas,

No problem at all. I've linked to the letter from the committee:
[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 30 November 2020 15:52

To: [REDACTED]

Subject: RE: Correspondence- for comment

[REDACTED]

I'm starting to look at this now [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

If you were able to send these to me, I'd be grateful.

Happy to discuss any matters arising.

Regards

Douglas

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Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]
Sent: 27 November 2020 17:52
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Hi Douglas,

Many thanks, I can confirm that there have been no further developments on this since the 24th November and that it would be really helpful to have comments early next week.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 27 November 2020 16:18
To: [REDACTED]
Subject: RE: Correspondence- for comment

[REDACTED]

No apology required.

Can I just check that, now that the Lockerbie appeal is over, you would still like me to provide comments and that there have been no developments since your e-mail of 24 November?

If so, I will try to provide comments in the early part of next week.

Regards

Douglas

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phone: 07739 639257

web: www.ampersandadvocates.com

Clerk: [Alan Moffat](#)

Deputy clerks: [Jennifer Dunn](#), [Sheena Hume](#), [Shawn McArthur](#) & [Kathryn Ferguson](#)



Leading Top Ranked Set in Chambers & Partners and The Legal 500

From: [REDACTED]

Sent: 25 November 2020 13:53

To: Douglas Ross <douglas.ross@advocates.org.uk>

Subject: RE: Correspondence- for comment

Hi Douglas,

Thanks for letting me know, and apologies as I should have remembered that you had other commitments at the end of November.

I will let Mr Hamilton know.

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 25 November 2020 11:10

To: [REDACTED]

Subject: Re: Correspondence- for comment

Dear [REDACTED]

I'm well thanks but am one of the Crown counsel in the Lockerbie appeal which began yesterday and ends on Friday, so unable to attend to other matters this week.

Assuming the appeal ends on time - which I think it will - I can put this matter to the top of my agenda next week.

Regards

Douglas

Sent from my iPad

On 24 Nov 2020, at 20:44, [REDACTED] wrote:

Dear Douglas,

I hope you are well.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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[REDACTED]

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Dear Douglas,

[REDACTED]

Mr Hamilton is considering your advice, and might welcome a conversation about it. He hasn't completely decided that a conversation is necessary, but has asked that I check if you have any availability today or tomorrow for a short conversation.

Happy to discuss.

Best wishes,

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Many thanks.

I assume that, in writing to Mr Hamilton, the DFM simply drew attention to the responses to Mr Cole-Hamilton and did not make any further observations about the scope of the remit [REDACTED]

[REDACTED]
[REDACTED]

Regards

Douglas

From: [REDACTED]
Sent: 01 December 2020 20:49
To: Douglas Ross <douglas.ross@advocates.org.uk>
Subject: RE: Correspondence- for comment

Hi Douglas,

Apologies, this has been sitting in my outbox since early afternoon- as the files are large it hadn't sent. I have received your later response on the terms of the remit but for completeness wanted to send this information anyway, although I don't think this significantly changes the advice you have provided.

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

From: Douglas Ross <douglas.ross@advocates.org.uk>
Sent: 01 December 2020 08:19
To: [REDACTED]
Subject: RE: Correspondence- for comment

Dear [REDACTED]

[REDACTED]

As always, I would be happy to discuss any matters arising by phone.

Regards

Douglas

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[REDACTED]

[REDACTED]

Many thanks.

Douglas

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Hi Douglas,

No problem at all. [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

Best wishes,

[REDACTED]

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[REDACTED]

I'm starting to look at this now. [REDACTED]
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[REDACTED]

If you were able to send these to me, I'd be grateful.

Happy to discuss any matters arising.

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Subject: RE: Correspondence- for comment

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I will let Mr Hamilton know.

Best wishes,

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From: Douglas Ross <douglas.ross@advocates.org.uk>

Sent: 25 November 2020 11:10

To: [REDACTED]

Subject: Re: Correspondence- for comment

Dear [REDACTED]

I'm well thanks but am one of the Crown counsel in the Lockerbie appeal which began yesterday and ends on Friday, so unable to attend to other matters this week.

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Regards

Douglas

Sent from my iPad

On 24 Nov 2020, at 20:44, [REDACTED] wrote:

Dear Douglas,

I hope you are well.

[REDACTED]

Happy to discuss.

Best wishes,

[REDACTED]

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[REDACTED]

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Re: Draft letter to AS

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Fri, 04 Dec 2020 11:52:00 +0000
Attachments: 4 Dec Draft Letter to AS (4) 2.docx (8.9 kB)

Hi [REDACTED]

I thought about adding a sentence to the effect that I would be reluctant to seek any extension of the remit to cover matters under investigation elsewhere but I think that would only increase the likelihood that AS will not cooperate so I have decided against making this change. I attach redraft which contains some minor changes to the second paragraph.

Best wishes

James

On Fri, 4 Dec 2020 at 11:21, <[REDACTED]@gov.scot> wrote:

Hi James,

I've had another look at the letter and I think it looks fine- as you say, you can only go so far on these matters.

Would you like me to put this on the template letter and issue it?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 03 December 2020 17:37
To: [REDACTED]@gov.scot>
Subject: Re: Draft letter to AS

Hi [REDACTED]

Let's leave it until the morning. It doesn't go much further than the earlier letter but I think it is as far as I can go. Have you any comments?

James

On Thu, 3 Dec 2020 at 17:34, <[REDACTED].[REDACTED]@gov.scot> wrote:

Hi James,

Many thanks. Would you like me to issue this now?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED].[REDACTED]@[REDACTED].[REDACTED]>
Sent: 03 December 2020 17:28
To: [REDACTED] <[REDACTED].[REDACTED]@gov.scot>
Subject: Draft letter to AS

Dear [REDACTED]

I have redrafted the letter to AS.

Best wishes

James

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4 December 2020

Draft letter to Alex Salmond

Dear Mr Salmond

Thank you for your letter of 23 November sent via email to [REDACTED] [REDACTED].

I consider it necessary in order for me to fulfil my remit that I obtain a full understanding of what was the purpose of the meetings between you and the First Minister and what occurred at them. Your evidence is therefore of great importance to me.

I am prepared to consider any arguments you may wish to advance about the scope of my remit. However, until I know what evidence you wish to give it would be premature for me to form a decided opinion on whether the remit should be extended or, in the event that I accepted the case for an extension, on how I should then proceed.

My inclination is to think that in the case of matters which form part of or are closely related to the subject matter of the remit it could be open to me to consider whether any provisions of the Ministerial Code other than those mentioned expressly in the remit had been broken. However, that situation is distinct from broadening the factual scope of the inquiry. I am, of course, prepared to consider any arguments you may wish to make before coming to a final conclusion on this point.

Although the procedure for an inquiry by an independent advisor under the Ministerial Code is a relatively informal one the rules of natural justice apply including in particular my obligation to hear both sides of any question which arises for determination. This, in my opinion, extends not only to the consideration of evidence but also to any questions which may arise as to the scope of the remit.

It follows that if a question arises as to whether a particular matter can be regarded as falling within the scope of the remit or, if it does not, whether that scope ought to be expanded, it would be wrong of me to take a decided view on those issues based solely on your submissions without also giving the First Minister an opportunity to comment on them.

I would therefore suggest that you let me see your proposed evidence as soon as possible, together with any observations you may wish to make about the scope of the remit. If necessary I will then seek the First Minister's observations before I decide how I should deal with the matter.

Finally, with regard to your suggestion that there was a "criminal leak" to a newspaper I have no function to investigate crimes which should be reported to the proper authorities.

Yours sincerely

RE: Draft letter to AS

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]>
Date: Fri, 04 Dec 2020 13:46:47 +0000
Attachments: 4 Dec Response to AS.docx (17.16 kB)

Hi James,

I agree that adding that is likely to provoke further questions and reduce the likelihood of a written statement being provided.

I've proofread the letter and I think it looks good. I've just made a couple of minor changes to add a couple of commas to make one of the sentences slightly easier to read. Are you happy for me to issue it?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 04 December 2020 11:52
To: [REDACTED] <[REDACTED]>
Subject: Re: Draft letter to AS

Hi [REDACTED]

I thought about adding a sentence to the effect that I would be reluctant to seek any extension of the remit to cover matters under investigation elsewhere but I think that would only increase the likelihood that AS will not cooperate so I have decided against making this change. I attach redraft which contains some minor changes to the second paragraph.

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Would you like me to put this on the template letter and issue it?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]>
Sent: 03 December 2020 17:37
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Subject: Re: Draft letter to AS

Hi [REDACTED]

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James

On Thu, 3 Dec 2020 at 17:34, <[REDACTED]:[REDACTED]@gov.scot> wrote:

Hi James,

Many thanks. Would you like me to issue this now?

Best wishes,

[REDACTED]
From: James Hamilton <[REDACTED]:[REDACTED]@[REDACTED]:[REDACTED]>

Sent: 03 December 2020 17:28

To: [REDACTED]:[REDACTED]@gov.scot>

Subject: Draft letter to AS

Dear [REDACTED]

I have redrafted the letter to AS.

Best wishes

James

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James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]@gov.scot

Alex Salmond

By email to: [REDACTED]

2 December 2020

Dear Mr. Salmond

Thank you for your letter of 23 November sent via email to [REDACTED].

I consider it necessary in order for me to fulfil my remit that I obtain a full understanding of what was the purpose of the meetings between you and the First Minister and what occurred at them. Your evidence is therefore of great importance to me.

I am prepared to consider any arguments you may wish to advance about the scope of my remit. However, until I know what evidence you wish to give it would be premature for me to form a decided opinion on whether the remit should be extended or, in the event that I accepted the case for an extension, on how I should then proceed.

My inclination is to think that in the case of matters which form part of, or are closely related to, the subject matter of the remit it could be open to me to consider whether any provisions of the Ministerial Code other than those mentioned expressly in the remit had been broken. However, that situation is distinct from broadening the factual scope of the inquiry. I am, of course, prepared to consider any arguments you may wish to make before coming to a final conclusion on this point.

Although the procedure for an inquiry by an independent advisor under the Ministerial Code is a relatively informal one the rules of natural justice apply including in particular my obligation to hear both sides of any question which arises for determination. This, in my opinion, extends not only to the consideration of evidence but also to any questions which may arise as to the scope of the remit.

It follows that if a question arises as to whether a particular matter can be regarded as falling within the scope of the remit or, if it does not, whether that scope ought to be expanded, it would be wrong of me to take a decided view on those issues based solely on your submissions without also giving the First Minister an opportunity to comment on them.

I would therefore suggest that you let me see your proposed evidence as soon as possible, together with any observations you may wish to make about the scope of the remit. If necessary I will then seek the First Minister's observations before I decide how I should deal with the matter.

Finally, with regard to your suggestion that there was a "criminal leak" to a newspaper I have no function to investigate crimes which should be reported to the proper authorities.

Yours sincerely,

James Hamilton

Hi James,

Please see response from David Clegg.

Best wishes,

[REDACTED]

From: David Clegg [REDACTED]
Sent: 03 December 2020 22:47
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: FAO James Hamilton

RE: SCOTTISH MINISTERIAL CODE: FIRST MINISTER'S SELF-REFERRAL

Mr Hamilton,

Apologies for the delay in responding. I did not receive your email and, as our entire organisation is currently home working, only received the paper copy of your inquiry today.

I can confirm that I contacted Geoff Aberdein on January 14, 2019 to ascertain if he was the "intermediary" who had set up the meeting between Nicola Sturgeon and Alex Salmond on April 2, 2018, at the First Minister's home.

He confirmed this was the case and subsequently sent me an email with more details. [REDACTED]

[REDACTED]

[REDACTED]

I have nothing further of note to add about my interactions with Mr Aberdein that would be relevant to your inquiry. [REDACTED]

[REDACTED]

In terms of the remit of your inquiry, the only other observation I would make is that during my extensive investigations into these matters in January 2019 nobody I spoke to referred to the meeting between Ms Sturgeon and Mr Aberdein on March 29, 2018. The first I learnt of this meeting was during Mr Aberdein's testimony in the criminal trial of Mr Salmond.

Sorry I can't be of more help. If you require any further information from me please do not hesitate to get in touch via this email address.

Yours sincerely,

David Clegg

David Clegg
Editor
The Courier

DC Thomson & Co Ltd
2 Albert Square
Dundee
DD1 1DD


www.thecourier.co.uk

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From: [REDACTED]
Sent: 05 November 2020 09:52
To: 'James Hamilton' [REDACTED]
Subject: RE: Mr Aberdeen's submission

Hi James,

It was Wednesday last week but I have attached it again to save time.

Best wishes,

[REDACTED]
[REDACTED]

From: James Hamilton [REDACTED]
Sent: 04 November 2020 17:00
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Mr Aberdeen's submission

Hi [REDACTED]

I can't find Mr Aberdeen's submission. I am sure you sent it. Can you tell me when it was sent? I may have mis-filed it.

James

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WRITTEN SUBMISSION OF GEOFFREY ROGER ABERDEIN
FOR THE COMMITTEE
ON THE SCOTTISH GOVERNMENT HANDLING OF HARASSMENT COMPLAINTS

CONTEXT

This submission is made in response to the request received from the Convener of the Scottish Parliament's Committee on Scottish Government Handling of Harassment Complaints ("the Committee").

This submission is consistent with evidence previously provided to officers of Police Scotland, particularly during a police interview in June 2019. I have, where required, updated this statement to include relevant additional information as requested by the Committee. I have made every effort to abide by the legal parameters set out by the Committee.

It will, however, be for the Committee clerks to make an independent assessment of that before sharing this statement with the committee members and thereafter reaching a decision on publication more widely. I confirm that I have no objection to this statement being published in full, if that is the wish of the Committee, providing that the Committee's legal parameters are met.

The Submission records my responses to all of the listed areas of interest, the questions posed and requests made by the Convener. Those are addressed in chronological order. Included within the Submission are all communications I hold, relevant to the remit of the inquiry, with any of the individuals named by the Committee.

BACKGROUND

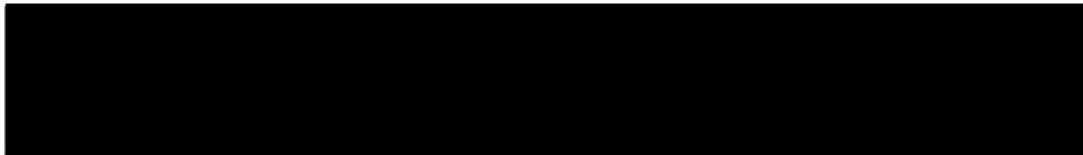
By way of background I was a Special Adviser to the First Minister of Scotland between May 2007 and November 2014. I was appointed Chief of Staff following the SNP's victory in the 2011 Scottish General Election. I have not been active in front line politics since I left the Scottish Government in November 2014.

In the role of Chief of Staff I was responsible for the Special Adviser team and coordinated political support and advice for the First Minister as well as the entire Ministerial team.

My role was extremely demanding involving long hours. Indeed, the entire Special Adviser team had a strong work ethic and we all performed our roles in a high pressure environment. Ultimately, it was a rewarding experience and, from my own perspective, it was a privilege to serve the Scottish Government throughout one of the most memorable and significant periods in Scottish political history.

On a personal level, I was also particularly fortunate to work closely with Nicola Sturgeon and John Swinney, both of whom I could always turn to for friendship and wise counsel throughout my time in Government. I am disappointed to read of various news reports of 'opposing camps' as far as the SNP is concerned. That does not reflect my experience of advising the SNP and Scottish Government.

MINISTERIAL CODE



[REDACTED]

A few hours after my meeting with [REDACTED] I arranged a conference call with Duncan Hamilton and Kevin Pringle [REDACTED] I wanted to seek their advice on whether or not to inform Alex Salmond. It was agreed between us that Mr Salmond required to be informed of the allegations.

It was agreed that I should do so. In the interests of transparency, the only other individual I spoke with about the content of [REDACTED] approach to [REDACTED] was Lorraine Kay, a former Scottish Government civil servant [REDACTED]

[REDACTED]

I spoke with Alex Salmond in the early evening of either 9 or 10 March, over the phone. [REDACTED] He informed me that he had, separately, already received a letter from the Scottish Government outlining the allegations of two complainers. He relayed to me, in very high level, a summary of the complaints. During a very brief call (I recall he was in transit at the time) he pointed out that he harboured serious concerns about the process which the Scottish Government had deployed in investigating the complaints.

I am not certain of the exact date but sometime following that call Mr Salmond intimated to me he would like to have a meeting with the First Minister in person to set out his concerns about the Scottish Government's handling of the complaints. [REDACTED]

[REDACTED]

On Thursday 29 March 2018 I met with the First Minister and [REDACTED] in the First Minister's office in the Scottish Parliament. [REDACTED] It was a very brief meeting, lasting no longer than fifteen minutes. I relayed to the First Minister a broad summary of the complaints as

described to me by Mr Salmond. The First Minister said that the meeting with Alex Salmond was going ahead on Monday 2 April 2018 at her home in Glasgow.

Immediately after the meeting on 29 March, I called Duncan Hamilton who is an Advocate and had been instructed to act for Mr Salmond. Mr Hamilton is also a former MSP and had worked closely with both Mr Salmond and the First Minister in the past. I summarised my discussion with the First Minister [REDACTED] I relayed to him the First Minister had confirmed the invitation to the meeting with Mr Salmond and that it would proceed on 2 April at her home in Glasgow.

I attended the meeting on 2 April 2018 along with Mr Salmond, Duncan Hamilton and Liz Lloyd.

Following brief pleasantries, there was a lengthy private conversation in the First Minister's conservatory between the First Minister and Mr Salmond, one which Mr Hamilton, Ms Lloyd and I were not party to. After which Mr Hamilton, Ms Lloyd and I joined the First Minister and Mr Salmond when there were general discussions on the allegations detailed in the letter sent by the Scottish Government and a reiteration by Mr Salmond of his concerns about the legality of the process being followed.

I am aware that there has been considerable discussion about whether these were 'party' meetings or 'government' meetings. To be frank, as a private individual that was not my concern and nor was it discussed.

[REDACTED]

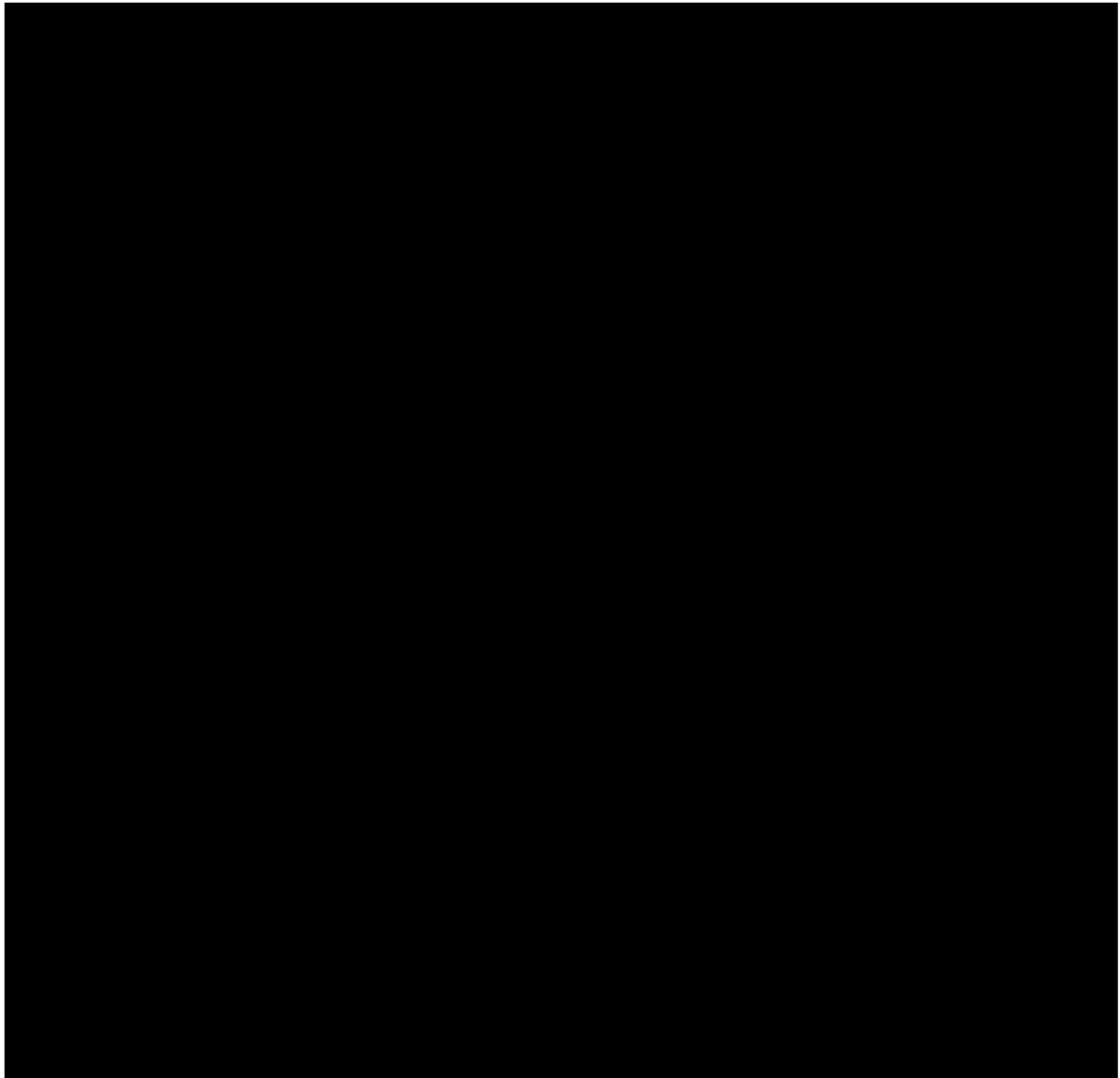
As indicated below in Appendix 4 and for information only, I have provided the response from my mobile telephone provider to a request from my lawyer seeking relevant telephone and text messages that may have assisted the Committee.

On 8 January 2019, Mr Salmond was successful with his Judicial Review challenge of the Scottish Government's handling of those complaints.

The First Minister made a statement to the Scottish Parliament later on 8 January 2019 in response to the judicial review outcome and revealed that she had met and spoken with Mr Salmond on a number of subsequent occasions to the 2 April 2018 meeting.

With reference to any meetings or discussions which occurred between the First Minister and Mr Salmond after the 2 April 2018 meeting, I did not arrange, attend or participate in any of them.

[REDACTED]



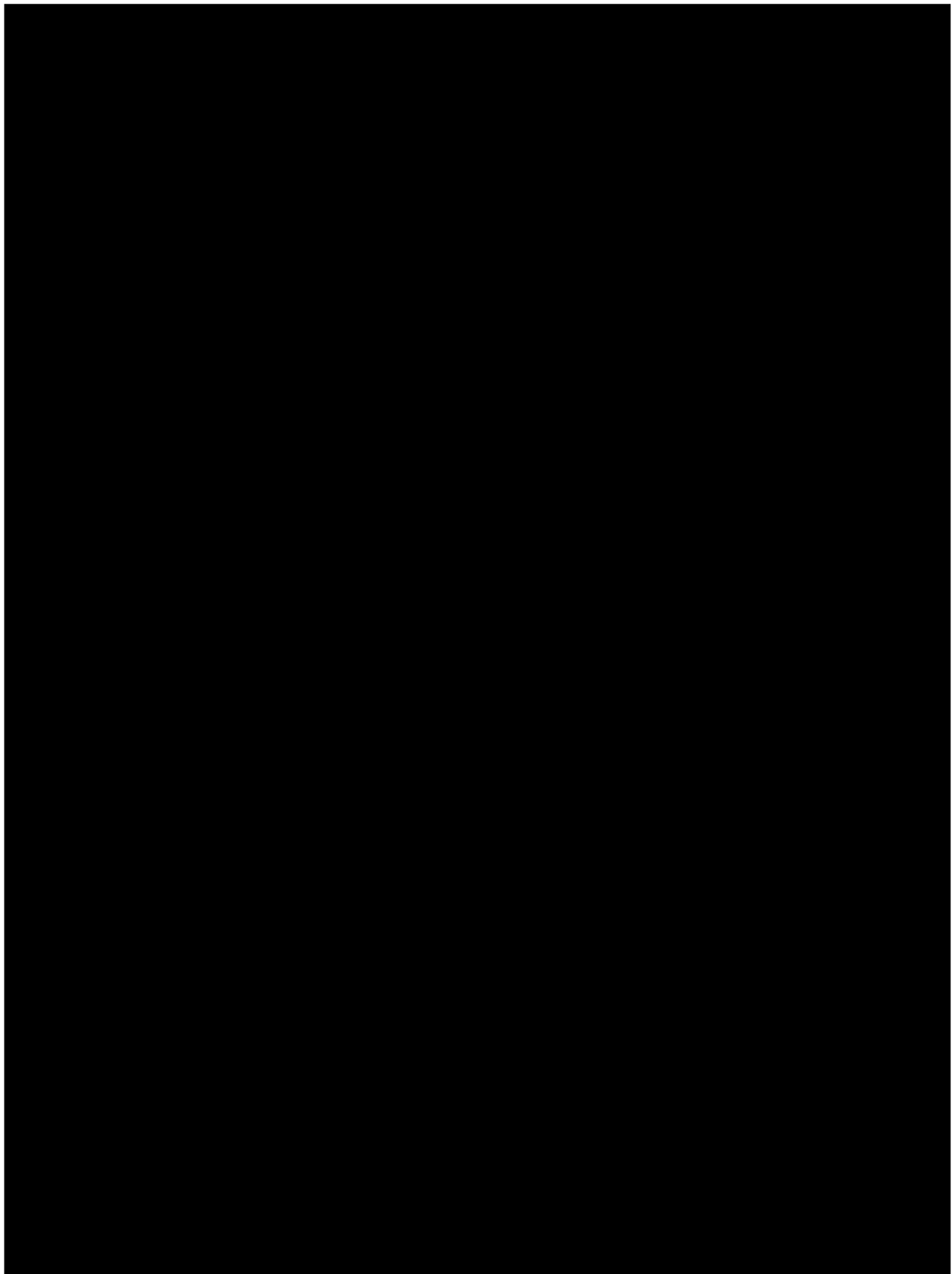
CULTURE

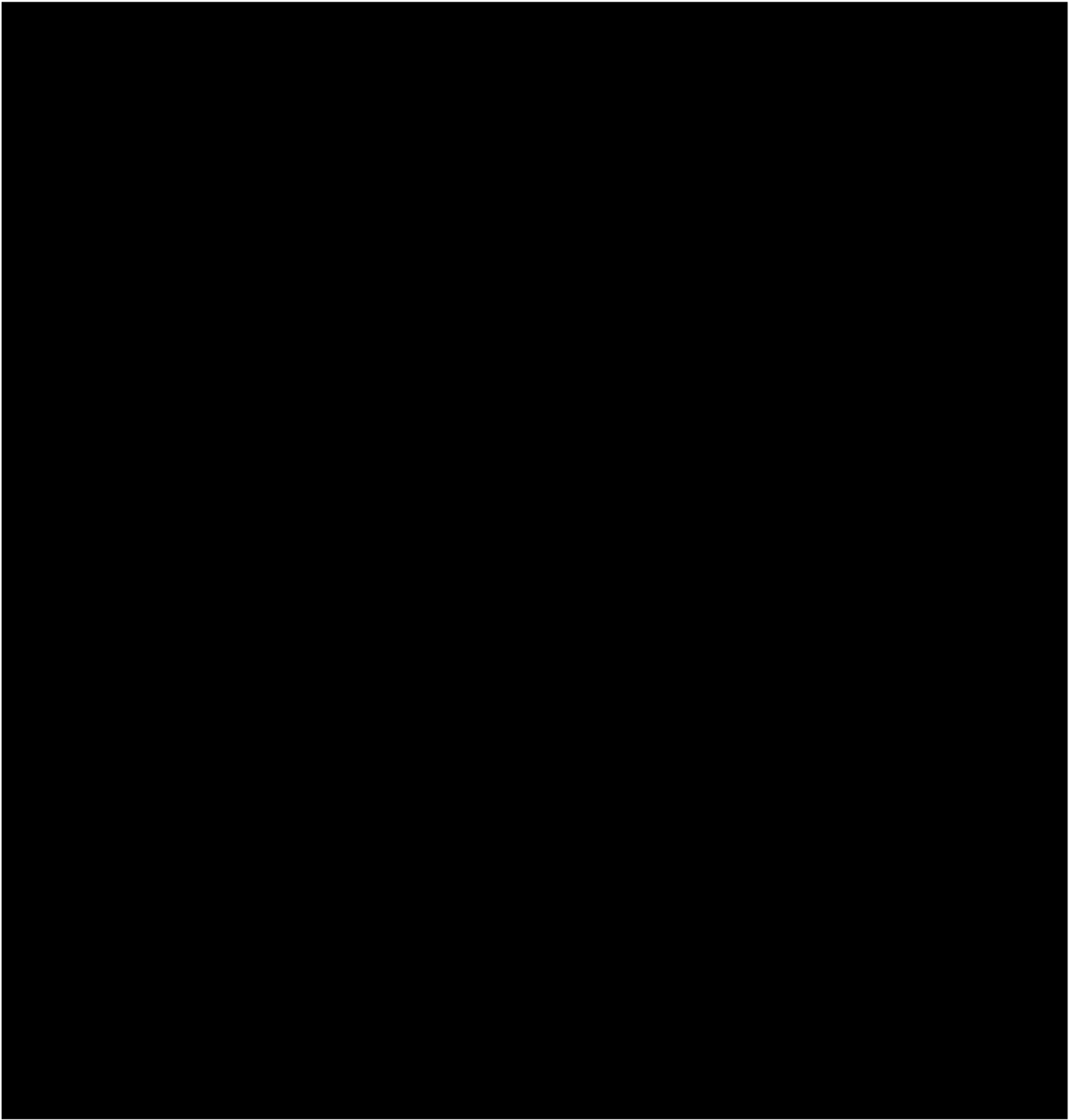
With reference to the matters set out under the heading 'Culture' in the Invitation, I confirm that the totality of my response is set out under the heading 'BACKGROUND' above.

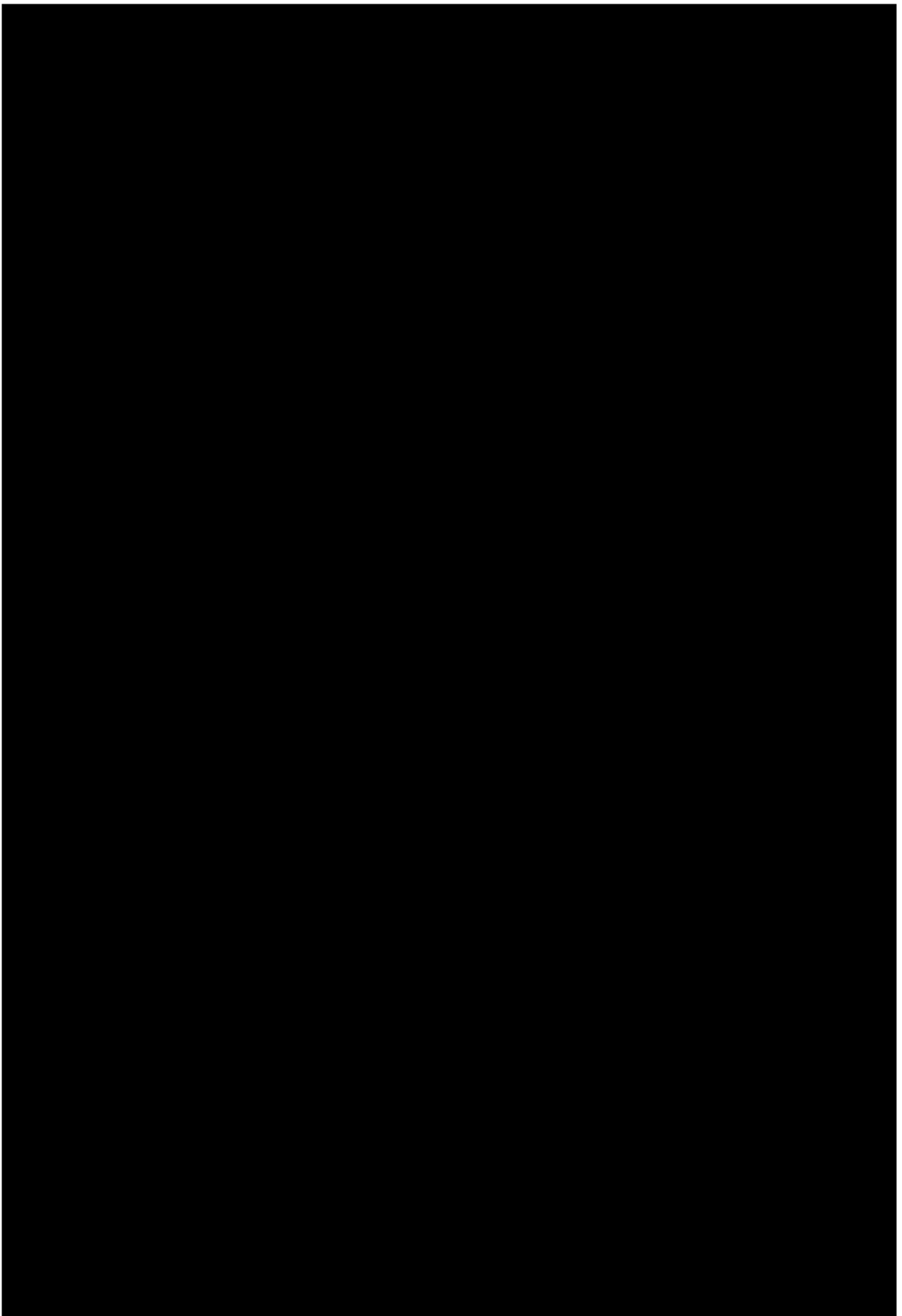
CONCLUSION

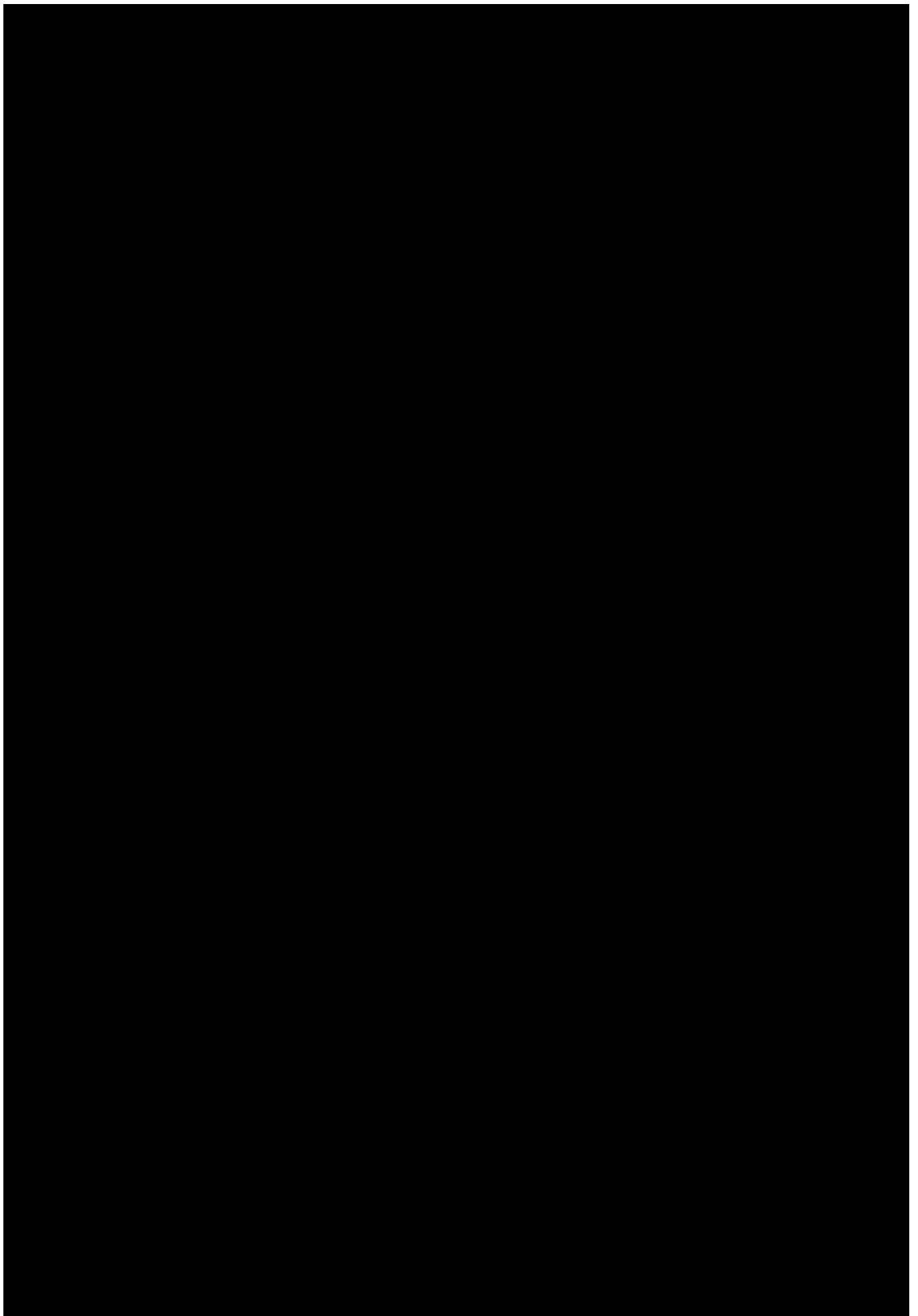
I confirm that this submission contains the totality of my responses to all of the listed areas of interest, the questions posed and requests made in the Invitation. It has been prepared in a comprehensive manner and to the best of my knowledge and recollection. If asked by the Committee to do so, I will provide the content of this statement in the form of a sworn affidavit.

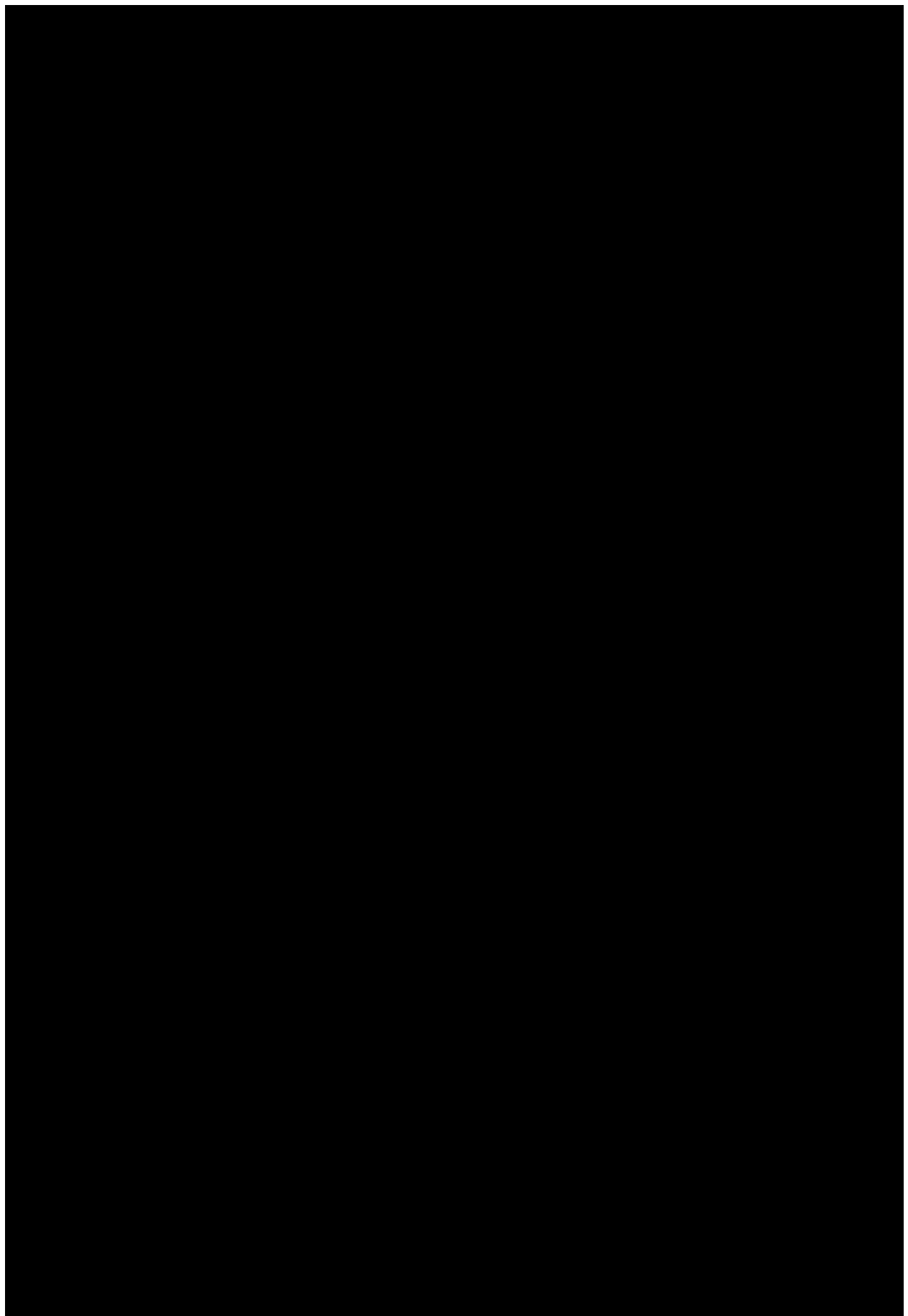
Geoff Aberdein
9 October 2020











Re: Draft letter to AS

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Sun, 06 Dec 2020 11:07:30 +0000

Hi [REDACTED]

Sorry, I missed this. Please go ahead and send the letter.

Best

James

On Fri, 4 Dec 2020 at 13:47, <[REDACTED]@gov.scot> wrote:

Hi James,

I agree that adding that is likely to provoke further questions and reduce the likelihood of a written statement being provided.

I've proofread the letter and I think it looks good. I've just made a couple of minor changes to add a couple of commas to make one of the sentences slightly easier to read. Are you happy for me to issue it?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 04 December 2020 11:52
To: [REDACTED]@gov.scot>
Subject: Re: Draft letter to AS

Hi [REDACTED]

I thought about adding a sentence to the effect that I would be reluctant to seek any extension of the remit to cover matters under investigation elsewhere but I think that would only increase the likelihood that AS will not cooperate so I have decided against making this change. I attach redraft which contains some minor changes to the second paragraph.

Best wishes

James

On Fri, 4 Dec 2020 at 11:21, <[REDACTED].[REDACTED]@gov.scot> wrote:

Hi James,

I've had another look at the letter and I think it looks fine- as you say, you can only go so far on these matters.

Would you like me to put this on the template letter and issue it?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED].[REDACTED]@[REDACTED].[REDACTED]>
Sent: 03 December 2020 17:37
To: [REDACTED] <[REDACTED].[REDACTED]@gov.scot>
Subject: Re: Draft letter to AS

Hi [REDACTED]

Let's leave it until the morning. It doesn't go much further than the earlier letter but I think it is as far as I can go. Have you any comments?

James

On Thu, 3 Dec 2020 at 17:34, <[REDACTED].[REDACTED]@gov.scot> wrote:

Hi James,

Many thanks. Would you like me to issue this now?

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 03 December 2020 17:28
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Draft letter to AS

Dear [REDACTED]

I have redrafted the letter to AS.

Best wishes

James

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From: [REDACTED]
Sent: 07 December 2020 09:20
To: Alex Salmond [REDACTED]
Subject: RE: Correspondence for Mr Hamilton

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 23 November 2020 14:52
To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Correspondence for Mr Hamilton

Dear Mr Hamilton

Thank you for your letter of 29th October. I apologise for the delay in replying, but I had assumed that it had crossed with the exchange in the Scottish Parliament, detailed below, of that same date. To that end, I was awaiting a follow up letter from you, confirming that indeed your remit was not “limited to one aspect of the Ministerial Code”;

- **Oliver Mundell (Dumfriesshire) (Con):** Will the First Minister agree to expand the ministerial code investigation to include her statements to Parliament and her actions on the legal advice regarding the judicial review into Alex Salmond’s alleged behaviour?
- **The First Minister (Nicola Sturgeon):** My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.

You will have noted that this parliamentary exchange seems at odds with your letter, which suggests that you are restricted to answering the “questions asked in the referral”. You state;

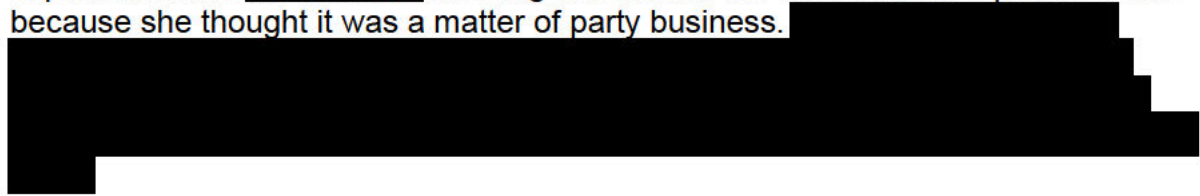
“As you are aware the remit of the referral was set out by the Deputy First Minister in a PQ response to the Scottish Parliament made on 6 August 2020. Considering that

the principal matter I am asked to consider concerns an alleged breach of the Ministerial Code in the First Minister's failure to record contacts with you it seems entirely logical to ask the question whether the First Minister was in fact involved in any way in the Scottish Government investigation. In seeking to answer the questions asked in the referral I will of course have to consider any relevant surrounding circumstances."

As detailed in my previous letter, I know of no aspect of the Ministerial Code which prevents a First Minister intervening in a process, not least one which was found by the Court of Session to be "unlawful", and as one consequence of which said process is currently being examined by the SGHHC Committee of the Scottish Parliament.

As I understand it, not intervening to ensure Government is not acting unlawfully when there is a danger that this might be the case, could be considered a breach in terms of the Ministerial Code. Non-intervention in this matter is relevant to the period covering spring and summer of 2018, and in the autumn, this extended to agreeing with or permitting the Permanent Secretary to disregard external legal advice on the Government's prospects of success in the Judicial Review.

This was further compounded by Parliamentary statements on repeated occasions, which have been questioned by MSPs as misleading, most pertinently in relation to the timing of when the First Minister first knew of the investigation and the explanation that the 2nd April meeting was held in the First Minister's private home because she thought it was a matter of party business.



When I established the independent procedure for referral of purported First Ministerial breaches of the Ministerial Code, it was an innovation and one carried through in good faith. I appointed people of outstanding calibre, such as yourself as independent advisors, so that no-one could suggest that any referrals were being "fixed" either by the civil service or the Government.

It would be disappointing if this is now being done by the Deputy First Minister, by virtue of confining your terms of referral.

I look forward to your confirmation that your remit is not "limited to just one aspect of the Ministerial code". On that basis I will submit the evidence for which you have asked.

Two final matters.

Firstly, I enclose the letter from the Crown Office which you requested. As you will note, it threatens prosecution if I were to reveal to the Parliamentary Committee (and presumably to yourself) documents which were disclosed in the course of the criminal case.

[REDACTED]

I look forward to hearing from you

Yours sincerely

Rt Hon Alex Salmond

James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]@gov.scot

Alex Salmond

By email to: [REDACTED]

4 December 2020

Dear Mr. Salmond

Thank you for your letter of 23 November sent via email to [REDACTED].

I consider it necessary in order for me to fulfil my remit that I obtain a full understanding of what was the purpose of the meetings between you and the First Minister and what occurred at them. Your evidence is therefore of great importance to me.

I am prepared to consider any arguments you may wish to advance about the scope of my remit. However, until I know what evidence you wish to give it would be premature for me to form a decided opinion on whether the remit should be extended or, in the event that I accepted the case for an extension, on how I should then proceed.

My inclination is to think that in the case of matters which form part of, or are closely related to, the subject matter of the remit it could be open to me to consider whether any provisions of the Ministerial Code other than those mentioned expressly in the remit had been broken. However, that situation is distinct from broadening the factual scope of the inquiry. I am, of course, prepared to consider any arguments you may wish to make before coming to a final conclusion on this point.

Although the procedure for an inquiry by an independent advisor under the Ministerial Code is a relatively informal one the rules of natural justice apply including in particular my obligation to hear both sides of any question which arises for determination. This, in my opinion, extends not only to the consideration of evidence but also to any questions which may arise as to the scope of the remit.

It follows that if a question arises as to whether a particular matter can be regarded as falling within the scope of the remit or, if it does not, whether that scope ought to be expanded, it would be wrong of me to take a decided view on those issues based solely on your submissions without also giving the First Minister an opportunity to comment on them.

I would therefore suggest that you let me see your proposed evidence as soon as possible, together with any observations you may wish to make about the scope of the remit. If necessary I will then seek the First Minister's observations before I decide how I should deal with the matter.

[REDACTED]

Yours sincerely,

James Hamilton

From: [REDACTED]
Sent: 07 December 2020 16:06
To: Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>
Subject: RE: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Stuart,

Many thanks. Happy to ensure this is passed to Mr Hamilton today.

I will send this to him in email form, as you suggest. Mr Hamilton is based in Ireland and it would take considerably longer for a hard copy to reach him, so submissions have generally been sent by email.

Best wishes,

[REDACTED]

From: Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>
Sent: 07 December 2020 14:29
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: Personal- Ministerial Code Referral- Correspondence from James Hamilton
Importance: High

Dear [REDACTED]

Please find below my reply to Mr Hamilton. I'd be grateful if this could be formalised and sent via yourself/SG colleagues in the most appropriate way – I note the requested deadline is tomorrow, so it would be good if this can be issued today by email, with today's date, in addition to any hard copy. Please let me know if there is anything further you need.

Many thanks,

Stuart

Dear Mr Hamilton,

Thank you for your letter of November 25th.

In answer to your specific question, I can confirm that Geoff Aberdein contacted me on January 14th 2019 to make me aware of a comment he intended to issue to a newspaper.

[REDACTED]

[REDACTED]

With regard to your other question, I do not have any further information I can provide. [REDACTED]

Yours Sincerely,

Stuart Nicolson

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 25 November 2020 09:21

To: Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>

Subject: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Stuart Nicolson,

Please see attached correspondence from James Hamilton, independent advisor on the Ministerial Code.

In order to ensure that the current Covid measures do not delay this correspondence, it has been sent by email in the first instance. A duplicate hard copy will also be sent by post.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

From: [James Hamilton](#)
To: [REDACTED]
Subject: Re: FW: Scottish Ministerial Code
Date: 07 December 2020 18:38:20

Hi [REDACTED]

No, I am the one who lost track- it looks fine to me.

James

On Mon, 7 Dec 2020 at 17:12, [REDACTED]@gov.scot> wrote:

Hi James,

Apologies if have lost track of this, but just wanted to check if you were content with the proposed response to Mr Aberdein?

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 02 December 2020 12:44
To: 'James Hamilton' [REDACTED]
Subject: RE: FW: Scottish Ministerial Code

Hi James,

I have drafted a short response to Mr Aberdein, this is set out below.

Best wishes,

[REDACTED]

Dear Geoff,

Thank you for your email.

Mr Hamilton has great sympathy with the points you have made, and wants to reassure you that he will bear these in mind when preparing his report. If it proves possible to write a credible report without identifying people who are not public figures Mr Hamilton would very much wish to do so.

However, Mr Hamilton cannot give any firm undertakings in advance about the information that would be included in the report. Until all the information has been gathered and assessed it is challenging to anticipate what evidence will turn out to be significant or what issues will be necessary to decide in order to draw firm conclusions. If a report is to be credible it has to set out very clearly the basis for its author's conclusions.

I hope this response is helpful.

Best wishes,

[REDACTED]

From: James Hamilton [REDACTED]
Sent: 01 December 2020 21:37
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: FW: Scottish Ministerial Code

Yes please, [REDACTED]

Regarding Mr Ross's advice I will reflect on it. I think a phone call might be useful. I will also think about that and contact you tomorrow.

James

On Tue 1 Dec 2020 at 21:31 [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> wrote:

Hi James,

I don't think there was an attachment on this one- and on the Kevin Pringle one the response was in the text in the email trail, not as an attachment. Apologies, I had described it in a confusing way.

I think that sounds like a good way to respond to Mr Aberdein- do you want me to draft something tomorrow morning?

Best wishes,

[REDACTED]

From: James Hamilton [REDACTED]
Sent: 01 December 2020 15:59
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: FW: Scottish Ministerial Code

Hi [REDACTED]
edj

I do not see any attachment.

I have a great deal of sympathy with Mr Aberdeen's point of view. The problem is that until I start writing I do not really know whether it will be convincing to write a report where only the leading actors are named. There may be a risk that without giving a very full and detailed account of evidence a report may lack credibility. On the other hand it may be that much of what I am told could be of little or no relevance.

Perhaps I should simply say that I will bear in mind the points he has very well made and with which I have a great deal of sympathy, but that I cannot give any undertaking in advance because until I have heard from all the witnesses I cannot anticipate what evidence will turn out to be significant or what issues will be necessary to decide in order to draw firm conclusions. If it were possible to write a credible report without identifying people who are not public figures I would wish to do so. If a report is to be credible it has to set out very clearly the basis for its author's conclusions.

Best wishes

James

On Mon, 30 Nov 2020 at 21:40, [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)> wrote:

Hi James,

We've had the following response from Mr Aberdeen, seeking further clarification of the process surrounding the preparation of the report.

I think it would be relatively straightforward to provide each participant with the sections of the report that refer to them or their written submissions (Maxwellisation), but any commitments about publication of any of the written submissions could be more challenging.

Best wishes,

[REDACTED]
uj

From: Geoff Aberdeen [REDACTED]
Sent: 26 November 2020 12:50
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: Scottish Ministerial Code

[REDACTED]

Apologies for the length of time it has taken me to respond.

My intention in sending the full submission was to provide helpful and broader context for Mr Hamilton and to assist his enquiries as best as I could.

My preference would be for the information held within simply to be referred to and not included in any report. However, if Mr Hamilton intends to include any of the information I have provided, I would appreciate an explanation why as well as the courtesy of being informed which specific material is intended for use and when it will be published.

I am a private citizen simply doing my civic duty and this whole situation, despite the fact I have done nothing wrong, has caused me significant personal and professional difficulty. I would appreciate Mr Hamilton's view as to whether my name has to be mentioned at all in any report?

Finally, I note in your email you confirm it is for Mr Hamilton to ensure that the report is consistent with the relevant court orders. As you will appreciate, I'm not a legal professional and cannot offer guidance in this regard.

Best wishes

Geoff

Sent from my iPad

On 10 Nov 2020, at 12:30, [REDACTED]@gov.scot wrote:

Dear Geoff,

Thank you for your email. Further to my previous email, I can confirm that Mr Hamilton has received your submission.

Mr Hamilton has sought information from witnesses for the purposes of fulfilling his task of reporting on the questions referred to him by the First Minister.

He will therefore be preparing a report for publication, and relevant information included in submissions will be included in or referred to in that report as appropriate. Mr Hamilton will also seek to ensure that the report is consistent with the relevant court orders on these matters.

If you are in a position to identify any particular material which you consider ought to be kept confidential it would be helpful for you to do so.

Please let me know if you need any more information.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED]

From: [REDACTED]
Sent: 30 October 2020 09:01
To: 'Geoff Aberdein' [REDACTED]
Subject: RE: Scottish Ministerial Code

Dear Geoff,

I am emailing to confirm that this email has been received. In terms of your question about how the submission will be used, Mr Hamilton will prepare a more detailed response setting out how he will use the written submissions in the preparation of his report, and I will send that over in due course.

Best wishes,

[REDACTED]

From: Geoff Aberdein [REDACTED]
Sent: 28 October 2020 10:30
To: [REDACTED] [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: Scottish Ministerial Code

[REDACTED]
dj

Please find attached my submission to the Committee on the Scottish Government's Handling of Harassment Complaints.

I believe the content of this submission sufficiently answers the questions posed to me by Mr Hamilton in his letter of 8 September. However, if Mr Hamilton requires further information, please invite him to write to me and I will endeavour to assist if I can.

I would appreciate confirmation of receipt of this email as well as confirmation that the content of this submission will not be circulated further and used only for the purposes of assisting Mr Hamilton with his enquires under the auspices of the First Minister's self-referral under the Scottish Ministerial Code.

Yours sincerely

Geoff Aberdein

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From: [REDACTED]
Sent: 07 December 2020 16:38
To: James Hamilton [REDACTED]
Subject: FW: Personal- Ministerial Code Referral- Correspondence from James Hamilton
Importance: High

Dear James,

Please see below response from Stuart Nicolson.

Best wishes,

[REDACTED]

From: Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>
Sent: 07 December 2020 14:29
To: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: RE: Personal- Ministerial Code Referral- Correspondence from James Hamilton
Importance: High

Dear [REDACTED]

Please find below my reply to Mr Hamilton. I'd be grateful if this could be formalised and sent via yourself/SG colleagues in the most appropriate way – I note the requested deadline is tomorrow, so it would be good if this can be issued today by email, with today's date, in addition to any hard copy. Please let me know if there is anything further you need.

Many thanks,

Stuart

*Dear Mr Hamilton,
Thank you for your letter of November 25th.
In answer to your specific question*

[REDACTED]

With regard to your other question, I do not have any further information I can provide. [REDACTED]

*Yours Sincerely,
Stuart Nicolson*

From: [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

Sent: 25 November 2020 09:21

To: Nicolson S (Stuart) Special Adviser <Stuart.Nicolson@gov.scot>

Subject: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Stuart Nicolson,

Please see attached correspondence from James Hamilton, independent advisor on the Ministerial Code.

In order to ensure that the current Covid measures do not delay this correspondence, it has been sent by email in the first instance. A duplicate hard copy will also be sent by post.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code
| Please contact me on Skype or on [REDACTED]

RE: Letter from James Hamilton

From: [REDACTED]@gov.scot>
To: Peter Murrell <peter.murrell@snp.org>
Date: Thu, 10 Dec 2020 11:40:23 +0000

Dear Mr Murrell,

Thank you for your email. I have passed it to Mr Hamilton for consideration.

Best wishes,

[REDACTED]

From: Peter Murrell <Peter.Murrell@snp.org>
Sent: 10 December 2020 11:21
To: [REDACTED]@gov.scot>
Subject: Letter from James Hamilton

Dear Mr Hamilton

I have this morning (10 Dec) received your letter of 25 November (postmarked 26th).

As you will appreciate, Gordon Lamb House is currently closed. Mail is diverted to the home address of one of my team. And this morning I received a small parcel with several personally addressed items of mail from last week; your letter was unopened therein.

All of this as explanation as to why you have not heard from me prior to the deadline of 8 December, my sincere apologies.

I shall be grateful for guidance as to how you would wish to proceed.

I can be contacted best on this email.

Kind regards

Peter

PETER MURRELL
Chief Executive

Scottish National Party
Gordon Lamb House, 3 Jackson's Entry, Edinburgh EH8 8PJ.
[REDACTED]

twitter.com/PeterMurrell
facebook.com/PeterMurrellSNP
linkedin.com/in/PeterMurrell

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RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

From: Bruce A (Andrew) <andrew.bruce@gov.scot>
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <permanentsecretary@gov.scot>
Date: Mon, 12 Oct 2020 13:03:05 +0000

[REDACTED]

Just a quick addition to the response I sent on behalf of the Permanent Secretary last week.

Paragraph 3 of the Permanent Secretary's letter refers to informing the First Minister of the outcome of the investigation of complaints against Mr Salmond at a meeting on 22 August 2018. However, the Permanent Secretary also sent the First Minister a written note on 22 August providing this information. I am just having that note prepared to be sent on to you, which I will do as soon as possible.

In addition, there was also some correspondence between the Permanent Secretary's private office and the First Minister's private office on 20 August 2018 setting out the likely timescales for the conclusion of the investigation. This followed the Permanent Secretary's letter to the First Minister on 17 August 2018. Again I will send this on to you with the document referenced above.

Apologies for this – it was an oversight on my part.

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

From: Bruce A (Andrew) **On Behalf Of** Permanent Secretary
Sent: 07 October 2020 19:31
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

With apologies for the delay, please find attached the Permanent Secretary's response to Mr Hamilton's letter of 8 September.

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

From: Bruce A (Andrew) **On Behalf Of** Permanent Secretary
Sent: 06 October 2020 17:42
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

The Permanent Secretary is just finalising her response to Mr Hamilton. However, I'm afraid she will not be in a position to send this today, but will send it by close of play tomorrow.
I hope this is OK and please do pass on her apologies to Mr Hamilton.

Best wishes

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Permanent Secretary
Sent: 15 September 2020 11:41
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

Hello [REDACTED]

I would like to confirm receipt of James Hamilton's letter to the Permanent Secretary, which I note was copied to yourself. The Permanent Secretary will ensure she responds by the deadline set, 6th of October.

Best wishes,

[REDACTED]

[REDACTED] <[REDACTED]@gov.scot> | I lead on

DG ECJ, DG HSC & DG ODO

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Scottish Government
Riaghaltas na h-Alba
gov.scot



I'm dyslexic.
Thank you for
your consideration.
Celebrate neurodiversity!



From: [REDACTED]
Sent: 10 December 2020 11:48
To: David Clegg <david.clegg@[REDACTED]>
Subject: RE: FAO James Hamilton

Dear David Clegg,

Many thanks for your email. Please accept my apologies for the delay in written correspondence reaching you.

I have passed your response to Mr Hamilton for consideration.

Best wishes,

[REDACTED]

From: David Clegg <david.clegg@[REDACTED]>
Sent: 03 December 2020 22:47
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: FAO James Hamilton

RE: SCOTTISH MINISTERIAL CODE: FIRST MINISTER'S SELF-REFERRAL

Mr Hamilton,

Apologies for the delay in responding. I did not receive your email and, as our entire organisation is currently home working, only received the paper copy of your inquiry today.

I can confirm that I contacted [REDACTED]
[REDACTED]

He confirmed this was the case and subsequently sent me an email with more details. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

I have nothing further of note to add about my interactions with Mr Aberdeen that would be relevant to your inquiry. [REDACTED]

[REDACTED]

In terms of the remit of your inquiry, the only other observation I would make is that during my extensive investigations into these matters in January 2019 nobody I spoke to referred to the meeting between Ms Sturgeon and Mr Aberdeen on March 29, 2018. The first I learnt of this meeting was during Mr Aberdeen's testimony in the criminal trial of Mr Salmond.

Sorry I can't be of more help. If you require any further information from me please do not hesitate to get in touch via this email address.

Yours sincerely,

David Clegg

David Clegg
Editor
The Courier

DC Thomson & Co Ltd
2 Albert Square
Dundee
DD1 1DD

Tel: 01382 575530
Mob: 07752092506
www.thecourier.co.uk

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FW: Letter from James Hamilton

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Thu, 10 Dec 2020 11:37:58 +0000

Dear James,

Please see response from Peter Murrell. I have drafted a short response, as set out below, emphasising that it would still be helpful to have a response, and I have suggested a deadline of December 16th.

Best wishes,

[REDACTED]

Dear Mr Murrell,

Please accept my apologies for the time it has taken for the letter to reach you. Mr Hamilton completely understands that Coronavirus measures may have affected when correspondence would be able to reach those he has written to, and that this would have delayed responses to his correspondence.

The 8th of December was suggested as a deadline so that responses would be received relatively promptly to allow Mr Hamilton to progress his work.

It would still be very helpful to receive a response from you. Would it be possible to provide a response by December 16th?

Please let me know if you have any further questions.

Best wishes,

[REDACTED]

From: Peter Murrell <Peter.Murrell@snp.org>
Sent: 10 December 2020 11:21
To: [REDACTED]@gov.scot>
Subject: Letter from James Hamilton

Dear Mr Hamilton

I have this morning (10 Dec) received your letter of 25 November (postmarked 26th).

As you will appreciate, Gordon Lamb House is currently closed. Mail is diverted to the home address of one of my team. And this morning I received a small parcel with several personally addressed items of mail from last week; your letter was unopened therein.

All of this as explanation as to why you have not heard from me prior to the deadline of 8 December, my sincere apologies.

I shall be grateful for guidance as to how you would wish to proceed.

I can be contacted best on this email.

Kind regards

Peter

PETER MURRELL
Chief Executive

Scottish National Party
Gordon Lamb House, 3 Jackson's Entry, Edinburgh EH8 8PJ.
Direct Dial [REDACTED]

twitter.com/PeterMurrell
facebook.com/PeterMurrellSNP
linkedin.com/in/PeterMurrell

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RE: Peter Murrell- Evidence to the SP Committee

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Thu, 10 Dec 2020 12:06:25 +0000

The OR for the evidence session has now been published:

[Official Report - Parliamentary Business : Scottish Parliament](#)

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 08 December 2020 18:00
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Peter Murrell- Evidence to the SP Committee

Thank you
James

On Tue 8 Dec 2020 at 17:54 <[REDACTED]@gov.scot> wrote:

Hi James,

Some matters of interest were explored at the session- in the video this is mainly between 11 and 11.30 am, and then towards the end of the session. Once the OR is published I will send it over.

Mr Murrell discussed the meetings held between the First Minister and Alex Salmond at the First Minister's home.

On the purpose of the meetings- whether they were party or Government business- Mr Murrell was clear that he did not know in advance the purpose of the 2 April meeting and was not involved from the party perspective.

Jackie Baillie MSP questioned Mr Murrell on whether there was a "direct conflict" between Peter Murrell's evidence and that of Nicola Sturgeon, in particular that his evidence suggested he was not involved as the meeting was undertaken in Nicola Sturgeon's role as First Minister, whilst the FM's statement indicated it was party business. Mr Murrell replied "I just don't accept that". He suggested that the Committee should refer to the First Minister's statement, and question her on these matters if they wished to interrogate the motivation for the meeting further.

On the practical side of things, he indicated that he had been out of the house whilst the meetings were taking place. On the 2 April meeting, Mr Murrell said that he knew a couple of days in advance the meeting would take place, and he expected it would be between the First Minister and Alex Salmond. Mr Murrell was out of the house at work, and returned whilst the meeting was still ongoing. The meeting between FM and Mr Salmond was ongoing, and other individuals were in another room. On that basis he got the impression the meeting was about a serious matter as there were more people in attendance. He reiterated that he and the First Minister did not discuss the content of the meeting.

Best wishes,

[REDACTED]

From: James Hamilton <[REDACTED]@[REDACTED]>
Sent: 08 December 2020 16:19
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Peter Murrell- Evidence to the SP Committee

Hi [REDACTED]

Unfortunately I could not manage the session this morning.

Best wishes

James

On Tue, 8 Dec 2020 at 09:27, <[REDACTED]@gov.scot> wrote:

Hi James,

Just wanted to let you know that Peter Murrell is giving evidence to the Scottish Parliament committee this morning, and the questions are likely to cover the meetings between FM and Mr Salmond.

If you want to watch the session, it starts at 10.15 and can be watched at Scottish Parliament TV: [Scottish Parliament TV | Virtual Meetings Channel 1](#)

The video will also appear on catch up at the same web address, and in due course there will be a written minute of the session- probably published by Thursday.

I will do a quick note of the main points raised and send it over later today.

Best wishes,

[REDACTED]

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RE: Letter from the First Minister to Mr James Hamilton

From: [REDACTED]@gov.scot>
To: Somers J (John) <john.somers@gov.scot>
Date: Mon, 12 Oct 2020 07:57:37 +0000

Dear John,

Many thanks for sending this. I am emailing to confirm receipt of the First Minister's response to Mr Hamilton's letter.

Best wishes,

[REDACTED]

From: Somers J (John)
Sent: 09 October 2020 16:38
To: [REDACTED]
Subject: Letter from the First Minister to Mr James Hamilton
Importance: High
Sensitivity: Confidential

Dear [REDACTED]

Pleased find attached, on behalf of the First Minister, her response to Mr Hamilton's letter of the 8 September.

Grateful if you would confirm receipt.

Many thanks,

John

John Somers
Principal Private Secretary to the First Minister
Scottish Government



Office of the First Minister of Scotland

FirstMinister.gov.scot

Prìomh Mhinistear na h-Alba

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From: Bruce A (Andrew) [REDACTED]@gov.scot>
Sent: 12 October 2020 14:03
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

Just a quick addition to the response I sent on behalf of the Permanent Secretary last week.

Paragraph 3 of the Permanent Secretary's letter refers to informing the First Minister of the outcome of the investigation of complaints against Mr Salmond at a meeting on 22 August 2018. However, the Permanent Secretary also sent the First Minister a written note on 22 August providing this information. I am just having that note prepared to be sent on to you, which I will do as soon as possible.

In addition, there was also some correspondence between the Permanent Secretary's private office and the First Minister's private office on 20 August 2018 setting out the likely timescales for the conclusion of the investigation. This followed the Permanent Secretary's letter to the First Minister on 17 August 2018. Again I will send this on to you with the document referenced above.

Apologies for this – it was an oversight on my part.

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]
[REDACTED]@gov.scot

From: Bruce A (Andrew) **On Behalf Of** Permanent Secretary
Sent: 07 October 2020 19:31
To: [REDACTED]
Cc: Permanent Secretary
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

With apologies for the delay, please find attached the Permanent Secretary's response to Mr Hamilton's letter of 8 September.

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

From: Bruce A (Andrew) **On Behalf Of** Permanent Secretary
Sent: 06 October 2020 17:42
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <[REDACTED]@gov.scot>
Subject: RE: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

[REDACTED]

The Permanent Secretary is just finalising her response to Mr Hamilton. However, I'm afraid she will not be in a position to send this today, but will send it by close of play tomorrow.
I hope this is OK and please do pass on her apologies to Mr Hamilton.

Best wishes

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Permanent Secretary
Sent: 15 September 2020 11:41
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: Correspondence to Perm Sec - FM Self Referral under Ministerial Code

Hello [REDACTED]

I would like to confirm receipt of James Hamilton's letter to the Permanent Secretary, which I note was copied to yourself. The Permanent Secretary will ensure she responds by the deadline set, 6th of October.

[REDACTED]

[REDACTED]

Private Secretary to the Permanent Secretary | [REDACTED] |
[REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot) | I lead on DG ECJ, DG HSC & DG ODO

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I'm dyslexic.
Thank you for
your consideration.
Celebrate neurodiversity!



From: [REDACTED]@gov.scot> On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 12 October 2020 12:53

To: [REDACTED]@gov.scot>; [REDACTED]
Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>

Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]
McAllister C (Colin) <Colin.McAllister@gov.scot>; [REDACTED]
[REDACTED]

Subject: RE: Official sensitive- submission on legal advice for Mr James Hamilton

Hi [REDACTED]

The DFM agrees that Mr Hamilton should be able to obtain legal advice and SG should pay for it.

[REDACTED]
[REDACTED]

Thanks

[REDACTED]

[REDACTED] | Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: www.gov.scot | Tel: [REDACTED] | Email: DFMCSE@gov.scot

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>

Sent: 12 November 2020 20:48

To: [REDACTED] <[REDACTED]@gov.scot>

Subject: Confidential - attn: James Hamilton

[REDACTED]

I'd be grateful if you could share the following information with Mr Hamilton.

Firstly an entirely minor point – in my statement I have made reference to Mr Salmond's timekeeping. A drafting error remains in the statement and the sentence should read as below

“2.6)I made no record of the duration of the meeting, though I believe they arrived later than the arranged time, which was not normal for Mr Salmond. I would estimate no more than two hours. “

[REDACTED]

I hope this is helpful.

Best wishes

Liz

Elizabeth Lloyd
Chief of Staff to the First Minister

St Andrew's House

Regent Road

Edinburgh EH1 3DG

Tel: [REDACTED]

Mobile: [REDACTED]

Elizabeth.Lloyd@gov.scot

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Re: Written submissions [UNSCANNED]

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Mon, 14 Dec 2020 16:48:59 +0000

[REDACTED]
Great, thanks.

James

On Mon, 14 Dec 2020 at 16:47, <[REDACTED]@gov.scot> wrote:

Hi James,

Please see attached summary document, which sets out which submissions have been received, and either includes the submission of sets out which attachment it is. Where a document is password protected the password is the same as previously used.

Best wishes,

[REDACTED]

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Ministerial Code investigation- video interview- availability

From: [REDACTED]@gov.scot>
To: First Minister <firstminister@gov.scot>
Date: Wed, 16 Dec 2020 12:36:48 +0000

P/S First Minister,

As you know, James Hamilton is currently conducting an investigation into the First Minister's self-referral under the Ministerial Code. The First Minister has provided a written statement to Mr Hamilton.

As set out in his letter of September 2020, Mr Hamilton may wish to invite those who have provided written statements to him to participate in an interview to discuss the content of the written statement and to allow Mr Hamilton to ask any supplementary questions.

Mr Hamilton is finalising his consideration of written statements, and would like to ask whether the First Minister would be available to participate in a video interview in the week commencing 11th or 18th of January 2021?

Best wishes,

[REDACTED]

Ministerial Code investigation- video interview- availability

From: [REDACTED]@gov.scot>
To: Permanent Secretary <permanentsecretary@gov.scot>
Date: Wed, 16 Dec 2020 12:36:49 +0000

P/S Permanent Secretary,

As you know, James Hamilton is currently conducting an investigation into the First Minister's self-referral under the Ministerial Code. The Permanent Secretary has provided a written statement to Mr Hamilton.

As set out in his letter of September 2020, Mr Hamilton may wish to invite those who have provided written statements to him to participate in an interview to discuss the content of the written statement, and to allow Mr Hamilton to ask any supplementary questions.

Mr Hamilton is finalising his consideration of written statements, and would like to ask whether the Permanent Secretary would be available to participate in a video interview in the weeks commencing 11th and 18th January 2021?

Best wishes,

[REDACTED]

Re: Draft of correspondence with Mr Salmond

From: James Hamilton [REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Thu, 17 Dec 2020 14:56:33 +0000

I am at home now and for rest of afternoon.

On Thu 17 Dec 2020 at 11:27 <[REDACTED]@gov.scot> wrote:

Hi James,

Quick update- I haven't had any further correspondence from Mr Salmond. I have made a start on drafting a short follow up response which could be sent early next week- it needs more work but I wanted to send something now for comment.

I have enquired as to the availability of the FM and Perm Sec for an interview in January, and am waiting for substantive responses on their availability.

Would it be helpful to have a catch up this afternoon?

Best wishes,

[REDACTED]

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From: Alex Salmond [REDACTED]
Sent: 23 December 2020 17:07
To: [REDACTED]
Subject: Correspondence for Mr Hamilton

Dear Mr Hamilton,

Thank you for your letter of 19th December.

I will send you my evidence by this year end. This is on the same timescale (and indeed will be a part of the submission) which I will submit to the Parliamentary Committee. As you will be aware, Phase Four of the Parliamentary Committee investigation into the actions of the First Minister, Scottish Government officials and special advisers, is on the Scottish Ministerial Code. My evidence to you will answer to the best of my ability, both the questions you have asked of me and the considerations on why you should be examining all related breaches of the Ministerial Code and not be confined unreasonably by the remit set so carefully by the Deputy First Minister.

I do hope you understand my concerns in this. When I established this procedure as First Minister, it was designed to give public confidence in genuine independent examination of the Ministerial Code for issues concerning any First Minister. That purpose would be defeated entirely, if it was ever open to the suggestion that the process was being nobbled.

May I take this opportunity to wish you the compliments of the season.

Yours for Scotland

The Rt Hon. Alex Salmond

Sent from my iPad

On 19 Dec 2020, at 15:16, [REDACTED] wrote:

Dear Mr Salmond,

Please see attached further correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 07 December 2020 09:20
To: 'Alex Salmond' [REDACTED]
Subject: RE: Correspondence for Mr Hamilton

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 23 November 2020 14:52
To: [REDACTED]
Subject: Correspondence for Mr Hamilton

Dear Mr Hamilton

Thank you for your letter of 29th October. I apologise for the delay in replying, but I had assumed that it had crossed with the exchange in the Scottish Parliament, detailed below, of that same date. To that end, I was awaiting a follow up letter from you, confirming that indeed your remit was not “limited to one aspect of the Ministerial Code”;

- **Oliver Mundell (Dumfriesshire) (Con):** Will the First Minister agree to expand the ministerial code investigation to include her statements to Parliament and her actions on the legal advice regarding the judicial review into Alex Salmond's alleged behaviour?
- **The First Minister (Nicola Sturgeon):** My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them. If he considers that that requires any change to his official remit, I am sure that he is perfectly able to say that. However, for the record and to be clear, I do not consider his remit to be limited to just one aspect of the ministerial code.

You will have noted that this parliamentary exchange seems at odds with your letter, which suggests that you are restricted to answering the "questions asked in the referral". You state;

"As you are aware the remit of the referral was set out by the Deputy First Minister in a PQ response to the Scottish Parliament made on 6 August 2020. Considering that the principal matter I am asked to consider concerns an alleged breach of the Ministerial Code in the First Minister's failure to record contacts with you it seems entirely logical to ask the question whether the First Minister was in fact involved in any way in the Scottish Government investigation. In seeking to answer the questions asked in the referral I will of course have to consider any relevant surrounding circumstances."

As detailed in my previous letter, I know of no aspect of the Ministerial Code which prevents a First Minister intervening in a process, not least one which was found by the Court of Session to be "unlawful", and as one consequence of which said process is currently being examined by the SGHHC Committee of the Scottish Parliament.

As I understand it, not intervening to ensure Government is not acting unlawfully when there is a danger that this might be the case, could be considered a breach in terms of the Ministerial Code. Non-intervention in this matter is relevant to the period covering spring and summer of 2018, and in the autumn, this extended to agreeing with or permitting the Permanent Secretary to disregard external legal advice on the Government's prospects of success in the Judicial Review.

This was further compounded by Parliamentary statements on repeated occasions, which have been questioned by MSPs as misleading, most pertinently in relation to the timing of when the First Minister first knew of the investigation and the explanation that the 2nd April meeting was held in the First Minister's private home because she thought it was a matter of party business. There is, of course, the further question of the criminal leak of protected information to the Daily

Record newspaper on 23/24th August 2018 and what, if anything, was the First Minister's state of awareness of the circumstances and the potential involvement of her staff in same.

When I established the independent procedure for referral of purported First Ministerial breaches of the Ministerial Code, it was an innovation and one carried through in good faith. I appointed people of outstanding calibre, such as yourself as independent advisors, so that no-one could suggest that any referrals were being "fixed" either by the civil service or the Government.

It would be disappointing if this is now being done by the Deputy First Minister, by virtue of confining your terms of referral.

I look forward to your confirmation that your remit is not "limited to just one aspect of the Ministerial code". On that basis I will submit the evidence for which you have asked.

Two final matters.

Firstly, I enclose the letter from the Crown Office which you requested. As you will note, it threatens prosecution if I were to reveal to the Parliamentary Committee (and presumably to yourself) documents which were disclosed in the course of the criminal case.

Secondly, I confirm that the record of WhatsApp messages between the First Minister and myself from 5 November 2017 to 20 July 2018 supplied to the Parliamentary Committee by the First Minister and published on their website is correct.

[REDACTED]

I look forward to hearing from you

Yours sincerely

Rt Hon Alex Salmond

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<Mr Salmond- correspondence- 19 December.docx>

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Re: FW: Ministerial Code investigation- video interview- availability

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Wed, 23 Dec 2020 10:48:03 +0000

Hi [REDACTED]

Either date would suit. Probably the earlier the better.

James

On Wed 23 Dec 2020 at 09:17 <[REDACTED]@gov.scot> wrote:

Hi James,

FM has suggested two dates for a video interview, as set out below. Do you have any preferences for which date?

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** First Minister
Sent: 22 December 2020 19:29
To: [REDACTED] <[REDACTED]@gov.scot>; First Minister <firstminister@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

[REDACTED]

Apologies for the delay in getting back to you.

Can we suggest two dates please – Wednesday the 13th and Wednesday the 20th, both around 1500hrs. I do want to add a caveat (as I have to do with any meetings I currently arrange) that the First Minister may have to react to urgent business and I therefore may ask to reschedule. This would only be in an emergency situation and I will make all attempts to ensure the meeting takes place.

Grateful if you could send me the details of the video interview so I can arrange set up.

Please do not hesitate to contact me if you have any problems or queries.

Best wishes

[REDACTED]

[REDACTED] [REDACTED]

Private Secretary to the First Minister

5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]
[REDACTED]



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FirstMinister.gov.scot
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From: [REDACTED] [REDACTED]@gov.scot>
Sent: 16 December 2020 12:37
To: First Minister <firstminister@gov.scot>
Subject: Ministerial Code investigation- video interview- availability

P/S First Minister,

As you know, James Hamilton is currently conducting an investigation into the First Minister's self-referral under the Ministerial Code. The First Minister has provided a written statement to Mr Hamilton.

As set out in his letter of September 2020, Mr Hamilton may wish to invite those who have provided written statements to him to participate in an interview to discuss the content of the written statement and to allow Mr Hamilton to ask any supplementary questions.

Mr Hamilton is finalising his consideration of written statements, and would like to ask whether the First Minister would be available to participate in a video interview in the week commencing 11th or 18th of January 2021?

Best wishes,

■■■■ ■■■■

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RE: Mr Hamilton Interview- follow up

From: [REDACTED]@gov.scot>
To: Bruce A (Andrew) <andrew.bruce@gov.scot>
Date: Mon, 01 Feb 2021 16:45:51 +0000

Hi Andy,

I'm reviewing the transcript at the moment and the list of questions below covers most of the follow up as far as I can see, I should have finished going through this by tomorrow so if there is anything else will let you know then.

Best wishes,

[REDACTED]

From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 01 February 2021 16:07
To: [REDACTED]@gov.scot>
Subject: RE: Mr Hamilton Interview- follow up

Hi [REDACTED]

Do you have a set list of the follow up points from last week's meeting, or should we just work on your list below?

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]
andrew.bruce@gov.scot

From: [REDACTED]@gov.scot>
Sent: 27 January 2021 15:58
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Subject: Mr Hamilton Interview- follow up

Hi Andy,

As discussed, please see attached list of questions.

I should be able to provide a full list of actions once I have reviewed the recording, but here is a list of what I noted down.

- In the discussion, it was suggested that documentation previously sent to the Committee on the development of the procedure, and the Perm Sec's role in this, could be shared with Mr Hamilton. A letter from Jeremy Heywood to all Perm Sec's asking them to consider if their department's procedures needed updating in the light of the Me Too movement, was

also mentioned. As ever, links to where material has been provided to the Committee and published by them are fine.

- It would also be helpful to share statistics on harassment complaints, against both Ministers and civil servants, preferably disaggregated by type of complaint (e.g. bullying, discrimination, sexual allegations etc).
- Timelines of events relating to the procedure and associated events were also mentioned as something that could be provided- this was in relation to the questions on when arbitration/mediation was discussed.
- Finally, the Perm Sec said she would consider the question on possible updates to the Ministerial Code and provide a written response.

Happy to discuss.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 01 March 2021 16:34
To: Duncan Hamilton <duncanhamilton@amadvocates.co.uk>
Subject: RE: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Mr Hamilton,

Please see attached correspondence from Mr James Hamilton.

Best wishes,

[REDACTED]

From: Duncan Hamilton <duncanhamilton@amadvocates.co.uk>
Sent: 30 November 2020 10:54
To: [REDACTED]
Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Many thanks [REDACTED].

Best wishes

Duncan
Duncan Hamilton
Advocate

[REDACTED]
duncanhamilton@amadvocates.co.uk

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF t:[0131 226 2881](tel:01312262881) f:[0131 225 3642](tel:01312253642)
www.amadvocates.co.uk



On 30 Nov 2020, at 10:31, [REDACTED] wrote:

Dear Duncan,

Many thanks for your swift response, which I had passed on to Mr Hamilton.

Mr Hamilton understands your position on this matter and is grateful for your consideration of his request.

Best wishes,

[REDACTED]

From: Duncan Hamilton

Sent: 25 November 2020 14:46

To: [REDACTED]

Subject: Re: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear [REDACTED]

Many thanks for this letter which I have considered carefully.

I regret that my professional duties and obligations do not permit me to assist in providing the information sought.

I trust that Mr Hamilton will understand that position.

Yours faithfully

Duncan Hamilton

Duncan Hamilton
Advocate

[REDACTED]

duncanhamilton@amadvocates.co.uk

Arnot Manderson Advocates, Parliament House, Edinburgh, EH1 1RF t:0131 226 2881 f:0131 225 3642 www.amadvocates.co.uk

From: [REDACTED]

Date: Wednesday, 25 November 2020 at 09:21

To: DUNCAN HOME <duncanhamilton@amadvocates.co.uk>

Subject: Personal- Ministerial Code Referral- Correspondence from James Hamilton

Dear Duncan Hamilton,

Please see attached correspondence from James Hamilton, independent advisor on the Ministerial Code.

In order to ensure that the current Covid restrictions do not delay this correspondence, it has been sent by email in the first instance. A duplicate hard copy will also be sent by post.

Best wishes,

[REDACTED]

[REDACTED]

| Please contact me on Skype or on [REDACTED]

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James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]

Duncan Hamilton
AMA Advocates
By email to: duncanhamilton@amadvocates.co.uk

1 March 2021

Dear Mr Hamilton,

Further to our correspondence in November 2020, in which you explained that you would be unable to provide me with a statement due to professional confidentiality, I understand that Mr Salmond has informed you that he would be happy for you to provide a statement to me.

I have copied the relevant section of my recent communications with Mr Salmond for reference.

I have, therefore, intimated to Mr Hamilton that in order to confirm factual events and recollections relevant to your investigations I am content that he provide answers to any questions you may have.

On that basis, I wanted to ask if you would be happy to provide a written statement, covering the issues set out in my letter of 25 November 2020. I have attached my letter of 25 November 2020 for reference.

Yours sincerely,

James Hamilton.

James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]

Duncan Hamilton
AMA Advocates
By email to: duncanhamilton@amadvocates.co.uk

25 November 2020

Dear Duncan Hamilton,

SCOTTISH MINISTERIAL CODE: FIRST MINISTER'S SELF-REFERRAL

As you may know, I have been appointed as the independent adviser to consider the First Minister's self-referral under the Ministerial Code. I attach a copy of the Parliamentary answer which sets out the remit for the referral.

My purpose in writing is to seek from you information to assist me in preparing my report.

Written submissions provided by other participants have indicated that you were present at and participated in a meeting between the First Minister and Alex Salmond, which was held at the First Ministers house on 2 April 2018. The submission also indicates that you participated in preliminary conversations concerning the purpose of the meeting and the arrangements to be made.

I would be grateful if you could provide a short written statement on this meeting including; what you understood the purpose of the meeting to be; any information you have on how and when the meeting was arranged; who participated and on what basis; and any further information you have that would be relevant to my remit.

It would be helpful to have your response to this letter by 8 December 2020. Please let me know if this deadline is likely to pose a difficulty for you or if you need any clarification about any aspect of my request.

Yours Sincerely

James Hamilton

RE: Private - James Hamilton investigation under the Ministerial Code

From: [REDACTED] <[REDACTED]@gov.scot>
To: [REDACTED]@parliament.scot>
Date: Mon, 01 Mar 2021 14:28:11 +0000

Hi [REDACTED],

Thanks. Mr Hamilton is in meetings for most of today so I won't be able to discuss a formal response with him before your deadline, but I've tried to set out some additional information as far as I can.

I think the main thing to emphasise is that I'm acting as secretariat to Mr Hamilton and so won't be directly involved in the SG handling of the report once it is handed over, in line with a secretariat and sponsorship split of roles. In terms of the timings and response in different scenarios it might therefore be helpful for you to speak to OCT colleagues.

In terms of the impact of the pre-election rules on the report publication, my understanding is that the rules apply to everything the Scottish Government does. However, I'm not directly involved in discussions around the specific application of the rules to this report as this would be a matter for SG rather than Mr Hamilton. Again, OCT might be better placed to give advice on this.

Sorry I can't be of more help on this, happy to discuss over the phone- my number is [REDACTED].

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 01 March 2021 10:38
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED]

I assume it cannot publish in April or May, but that that is a matter for the Government once Mr Hamilton passes it to govt officials as per your earlier email. If there is any chance that the report will be shared with the government before the election so they can prep the associated evidence for publication but then is only published after the election due to purdah rules my committee would be extremely interested in that, so while I appreciate you cannot get me a definitive timescale I would be really keen to establish that completion before the election relates to publication as opposed to just passing it to the Government. I would also be grateful if you could confirm as an official working for the Scottish government whether purdah rules apply to this report as we are working under the assumption that they do.

The committee meets tomorrow so further detail very much appreciated today,

Kind regards



From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, March 1, 2021 10:20 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED],

I'm good thanks, hope you are well.

Mr. Hamilton intends to complete his report as soon as possible, and is conscious that the Scottish Parliament election is scheduled to take place in early May 2021.

Best wishes,



From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 01 March 2021 08:04
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

Hope you had a good weekend

Mr Salmond suggested in evidence that he is being interviewed by Mr Hamilton this week, which suggests his work is still very much ongoing. I am working on the assumption his report will still be published in March,

Grateful if you could confirm this is correct,

Thanks



From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Wednesday, February 24, 2021 10:51 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

No worries at all, I was stalking twitter most of Monday evening and saw it pretty quickly. I'm grateful for the redactions of my contact details in the letters/emails, though thoroughly embarrassed that my proofreading of the date on letters is so poor!

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 24 February 2021 10:21
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

With many apologies [REDACTED] I omitted to tell you on Monday evening that the submission was published in full, I have not seen any media coverage in relation to the emails at all,

Kind regards

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 22, 2021 1:45 PM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED],

Many thanks. Could you let me know when this is published?

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 22 February 2021 13:08
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Dear [REDACTED]

Here are the handling emails in question, details listed below,

Kind regards

[REDACTED]

- 6th October 2020 – Salmond to Hamilton
- 17th October 2020 – Salmond to Hamilton
- 29th October 2020 – Hamilton to Salmond
- 29th October 2020 emailed on 16th November – Hamilton to Salmond
- 23rd November 2020 – Salmond to Hamilton
- 4th December 2020 emailed 7th December 2020 – Hamilton to Salmond
- 19th December 2020 – Hamilton to Salmond
- 31st December 2020 – Salmond to Hamilton

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 22, 2021 9:27 AM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Many thanks for the heads up on this. I don't think we are aware of the specific emails that were included in that version of the submission, so would it be possible to give more detail on this?

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 22 February 2021 09:21
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

I hope you had a good weekend.

I am in touch on another matter this morning, we are moving towards publication of the submission from Alex Salmond to the ministerial code phase of the inquiry and I am aware this was also a submission to Mr Hamilton to inform his work.

As you are aware that submission includes emails to and from Mr Hamilton in the appendices and so I wanted to inform Mr Hamilton of the intention to publish these emails before doing so.

The submission may be published at the end of today at the earliest,

Kind regards

██████████

From: ██████████@gov.scot <██████████@gov.scot>
Sent: Friday, February 19, 2021 4:57 PM
To: ██████████@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi ██████████,

I'm well, thanks, hope you are ok.

Mr Hamilton has asked that I pass on the following update:

Best wishes,

██████████

I am nearing the end of my investigation and intend to produce my final report as soon as possible. As noted in the PQ response setting out the details of my remit, if required, the report will be redacted to ensure compliance with the relevant court orders, and so there are various checks that need to take place on the report once drafted. To a large extent, the timescales of this are out of my hands. At this point I am unable to indicate an exact timescale within which these various stages of work will be completed.

I understand that, as is usual practice for Ministerial Code reports, the Scottish Government will co-ordinate the publication of the report.

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 19 February 2021 12:06
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

I hope you are well, I was hoping you may have more specific timescales for the publication of James Hamilton's decision report on the self referral under the ministerial code?

A response on Monday or Tuesday would be much appreciated so I can update the Committee on Wednesday (I anticipate members will ask again then so I'd like to have the information to hand)

Kind regards

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 4:37 PM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED],

No problem, before the election is definitely the intention at this point.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 01 February 2021 14:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the

Ministerial Code
Sensitivity: Private

Thanks [REDACTED], just to confirm are you in a position to say before the election is the intention (I appreciate realistically that is feb / march due to purdah rules).
[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot> <[REDACTED]@gov.scot>
Sent: Monday, February 1, 2021 2:15 PM
To: [REDACTED] <[REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Apologies, I have been sorting out various things relating to video interviews today.

I think the information I provided last week is all that can really go to the committee at this stage- Mr Hamilton is keen to progress things as soon as he can, but I couldn't offer a definite view on whether that means this month or next is more likely for publication.

Best wishes,

From: [REDACTED] <[REDACTED]@parliament.scot>
Sent: 01 February 2021 13:33
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Hi [REDACTED]

Hope you got some downtime over the weekend,

I am just putting together a briefing for the Convener for tomorrow's committee meeting – I can add on details in relation to James Hamilton's work and the associated timescales later today but just wanted to confirm at this stage that you will be able to provide a bit more detail on indicative timescales during the course of today?

Many thanks

[REDACTED]

From: [REDACTED]
Sent: Friday, January 29, 2021 11:18 AM
To: '[REDACTED]@gov.scot' <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Thanks [REDACTED]

That is helpful general context thanks for putting that together,

Couple of further points, do you have a sense of whether Mr Hamilton considers February or March as a likely timescale for his report? And has he considered whether he can publish when purdah rules come into force (end march)?

The Committee I think assumes the report will be issued in the next month or two and if it is a possibility that that is not the case I would like to be able to inform them,

Perhaps you could come back to me on these specific points before the committee meets on Tuesday morning, so sometime on Monday?

Have a good weekend

[REDACTED]

From: [REDACTED]@gov.scot <[REDACTED]@gov.scot>
Sent: Friday, January 29, 2021 11:11 AM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Hi [REDACTED],

Thank you for your email.

As you know, Mr. Hamilton has sought written submissions from a range of participants.

Mr. Hamilton is also currently undertaking video interviews with some participants where he has additional questions he wishes to ask them.

Mr. Hamilton intends to complete his report as soon as possible, and is conscious that the Scottish Parliament election is scheduled to take place in early May 2021.

Mr Hamilton is aware that it is intended that his report will be published, and will take the necessary steps to ensure that his report is compliant with any relevant court orders.

I hope this information is helpful- please let me know if you have any other questions.

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 27 January 2021 11:51
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

Many thanks [REDACTED], if I could have a response by say Friday lunchtime that would be really helpful,

Kind regards

[REDACTED]

From: [REDACTED]@gov.scot <[REDACTED]@gov.scot>
Sent: Wednesday, January 27, 2021 11:46 AM
To: [REDACTED]@parliament.scot>
Subject: RE: Private - James Hamilton investigation under the Ministerial Code
Sensitivity: Private

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Dear [REDACTED],

I'm well thanks, hope everything is ok with you.

I have passed your email on to Mr Hamilton and we will get back to you shortly. Is there a specific time by which it would be useful to have a response?

Best wishes,

[REDACTED]

From: [REDACTED]@parliament.scot>
Sent: 27 January 2021 10:32

To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Private - James Hamilton investigation under the
Ministerial Code
Sensitivity: Private

Dear [REDACTED]

I hope you are well.

I clerk the SGHHC Committee and the Committee discussed Mr Hamilton's deliberations on the First Minister's self-referral under the Ministerial Code yesterday. The Committee would like to know what the estimated date is for Mr Hamilton to reach a decision. If you are unable to provide a date, an accurate a timeframe for this decision and the associated publication of his report would be much appreciated. I am aware he received Mr Salmond's submission just before New Year and that he has sought and received statements for others. Will there be a stage where he interviews relevant people? I assume this will impact on the timing of his report. In addition, I assume his report will be published as is standard practice? I appreciate there will be substantiating evidence that may not be able to be published given the subject matter and relevant legal obligations that must be complied with.

An indication as to when the decision and associated report will be available would be very much appreciated as soon as you are able,

Kind regards

[REDACTED]
Clerk
SGHHC Committee

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RE: Correspondence from Mr Hamilton [UNSCANNED]

From: [REDACTED] <[REDACTED]@gov.scot>
To: Alex Salmond <alex@alexsalmond.scot>
Date: Mon, 01 Mar 2021 10:12:59 +0000
Attachments: Video Interview- joining instructions.docx (15.11 kB)

Dear Alex,

Tuesday afternoon would be good for Mr Hamilton as well, and I agree it would make sense to finalise things once the timings for the Committee evidence session are published. I will keep an eye on the Parliament website and be in touch later today.

I've attached some short joining instructions which set out some of the practical arrangements around videoconferencing and similar. Happy to discuss any aspect of the arrangements or to organise a quick test of the software.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 28 February 2021 23:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Thank you for your email.

Tuesday is fine for a meeting. Can I suggest sometime in the afternoon? I understand the Lord Advocate is giving evidence to SGHHC Committee on Tuesday and I would like to watch that evidence in advance of our meeting.

If that suits Mr Hamilton's diary, can we finalise a time for Tuesday, tomorrow, once the timing of the Lord Advocate's evidence session is published?

Best wishes and thank you

Alex

Sent from my iPad

On 27 Feb 2021, at 14:01, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Many thanks for your email. I've checked with Mr Hamilton about his availability on Monday and Tuesday. He has another commitment on a different project which will include various video conferences; the timetable for this has now been confirmed and all the meetings are due to take place on Monday. Mr Hamilton would therefore prefer to meet on Tuesday if that would be possible.

Mr Hamilton watched the evidence you gave to the Parliament yesterday, so is aware of the relevant content covered in that discussion, but if there are sections of your evidence you would like to draw his attention to before the meeting then let me know.

Mr Hamilton is happy for you to cover in the meeting any matters related to the Ministerial Code that you did not get opportunity to include in your evidence to the Committee. In terms of specific questions, Mr Hamilton would be interested in hearing more detail on the suggestion that failing to settle the judicial review constitutes a breach of the Ministerial Code.

If it would be helpful to arrange a short technical test in advance of the meeting to check the video conferencing arrangements work ok, I would be happy to facilitate this.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 27 February 2021 01:50
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

I note from one of your earlier emails in the exchanges below that Mr Hamilton is free on Monday 1st March and if that is more convenient for him, I'm available for a video call from 4.30pm onwards.

Might that be suitable?

I will be filming earlier that day and will accordingly have access to a better signal for the video call!

Please kindly let me know if that works for Mr Hamilton.

Thank you for your kind help with arranging this.

Alex

Sent from my iPad

On 26 Feb 2021, at 10:14, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Many thanks. Mr Hamilton would be happy to meet on Tuesday.

Are there any particular times on Tuesday that would be best for you? Mr Hamilton has a couple of other meetings on Tuesday, the schedule for which should be finalised later today. Once that is settled I can compare against your availability and suggest some specific times for the meeting.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 25 February 2021 11:04
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Yes they have! Would Tuesday next week be of use to Mr Hamilton. Unfortunately I am filming on Monday but let me know. It is possible I could find a gap late afternoon/early evening on Monday if we can agree a time with a just a wee bit of flexibility.

Best Wishes

Alex Salmond

Sent from my iPad

On 25 Feb 2021, at 10:19, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

With apologies for contacting you again, as I understand that your plans for this week have changed for reasons beyond your control, I

just wanted to check if you were able to provide any update on your availability early next week for a discussion with Mr Hamilton? Mr Hamilton would also be happy to arrange a call over the weekend if that would work for you.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 22 February 2021 11:25
To: 'Alex Salmond' <alex@alexsalmond.scot>
Subject: RE: Correspondence from Mr Hamilton [UNSCANNED]

Dear Mr Salmond,

Many thanks for your email. I have now had an opportunity to discuss this with Mr Hamilton.

Mr Hamilton is available on Friday afternoon from 3.30 pm onwards, but would also be free on Monday 1 March if you are available then? Whilst Mr Hamilton is keen to meet as soon as can be arranged, he is also aware that you may be giving evidence to the Parliamentary Committee this week and would ideally like to watch and consider your evidence to the Committee before he discusses things with you.

In terms of the practical arrangements, we have been using Cisco Webex for video calls. As well as Mr Hamilton, a member of the secretariat would attend the call to take notes and provide technical support if needed. In order for an accurate record of the conversation to be produced, the call would be recorded using the in-app recording function, and then transcribed. Once the transcript is agreed by attendees, the video would then be destroyed. I can send through more detailed information on this, but wanted to check if you were content with these general arrangements.

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code
| Please contact me on Skype or on [REDACTED].

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 20 February 2021 01:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Happens to me all the time.

Looking at the terms of Mr Hamilton's letter could you also confirm to him that I would like to speak with him by video on my evidence. If it were suitable for Mr Hamilton I would be free on Friday next, 26th February.

Yours for Scotland

ALEX SALMOND

Sent from my iPad

On 19 Feb 2021, at 19:23, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Apologies, I hadn't seen anything come in earlier. I have now checked the obvious things that could have gone wrong, and found that for some bizarre reason your email had gone into my junk mail folder despite our previous correspondence.

Please accept my apologies for this- I will forward your email from this morning to Mr Hamilton now.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 19 February 2021 17:24
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Has this letter crossed with my email?

I sent the answers this morning with a note and two appendices. Could you let me know you have received everything.

Best Wishes

Alex Salmond

Sent from my iPad

On 19 Feb 2021, at 17:18, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 12 February 2021 12:40
To: 'Alex Salmond' <alex@alexsalmond.scot>
Subject: RE: Correspondence from Mr Hamilton

Dear Mr Salmond,

Thank you for your response. I have passed this to Mr Hamilton, who is happy that you provide written statements to the supplementary questions. However, if you would like to discuss matters Mr Hamilton would also be happy to arrange a video interview.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 11 February 2021 09:56
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

I will be happy to send you this material along with the answers to your questions and provide a video interview as well if required.

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please

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Video Interview with James Hamilton, Independent Advisor on the Ministerial Code

Thank you for agreeing to participate in a video interview with James Hamilton, Independent Advisor on the Ministerial Code.

These joining instructions explain key aspects of how the interview will be conducted.

The time and date of the relevant interview has been agreed, and a calendar request created.

Video Conferencing

The current lockdown arrangements make it legally mandatory for work to be done at from home where possible; in addition, travel restrictions relating to domestic and international travel are in place. For these reasons, the interviews will be conducted via videoconference, using Cisco Webex.

This software allows video and audio conferencing, and can be accessed via Scots, Microsoft and Apple devices.

Participants can participate in the meeting as a guest, or create a Cisco Webex account to access the meeting. Instructions on how to do this can be found here: <https://cart.webex.com/sign-up-webex>

The secretariat will arrange a test of the videoconferencing arrangements before each interview.

Attendees

Attendees may bring a companion to the meetings, e.g. from a trade union if they are a member.

A member of the secretariat will attend the meetings, to ensure the meeting progresses smoothly, and to ensure the recording of the meeting.

Recording of the meeting

An audio recording of the meeting will be taken. The secretariat will also take notes.

The secretariat will use the recordings to produce a transcript of the meeting. The transcript will be shared with the participant within 10 working days of the meeting.

Once the transcript is agreed, the audio recording will then be destroyed.

RE: FM transcript

From: [REDACTED] <[REDACTED]@gov.scot>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Mon, 01 Mar 2021 16:35:14 +0000

Hi [REDACTED],

Apologies, I had prepared the transcripts a few weeks ago and they are with Mr Hamilton for checking before sign off. I will remind him these need to be signed off and get back to you with the transcript by the end of the week.

Best wishes,

[REDACTED]

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 01 March 2021 15:57
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: FM transcript

Hi [REDACTED],

Hope you are well?

During the First Minister's meeting with Mr Hamilton, FM was told that she would receive a transcript of the meeting. Do you have that available yet?

Many thanks

[REDACTED]

[REDACTED] [REDACTED]

Private Secretary to the First Minister
5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T: [REDACTED] | M: [REDACTED]
[REDACTED]



Office of the First Minister of Scotland

FirstMinister.gov.scot

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Re: FW: Correspondence from Mr Hamilton [UNSCANNED]

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED] <[REDACTED]@gov.scot>
Date: Mon, 01 Mar 2021 09:31:45 +0000

[REDACTED]
Great, thanks.

James

On Mon 1 Mar 2021 at 09:27 <[REDACTED]@gov.scot> wrote:

Hi James,

Just to keep you posted, Mr Salmond has agreed Tuesday afternoon, exact time tbc later today based on the timings for Committee tomorrow.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 28 February 2021 23:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Thank you for your email.

Tuesday is fine for a meeting. Can I suggest sometime in the afternoon? I understand the Lord Advocate is giving evidence to SGHHC Committee on Tuesday and I would like to watch that evidence in advance of our meeting.

If that suits Mr Hamilton's diary, can we finalise a time for Tuesday, tomorrow, once the timing of the Lord Advocate's evidence session is published?

Best wishes and thank you

Alex

Sent from my iPad

On 27 Feb 2021, at 14:01, [REDACTED] [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Many thanks for your email. I've checked with Mr Hamilton about his availability on Monday and Tuesday. He has another commitment on a different project which will include various video conferences; the timetable for this has now been confirmed and all the meetings are due to take place on Monday. Mr Hamilton would therefore prefer to meet on Tuesday if that would be possible.

Mr Hamilton watched the evidence you gave to the Parliament yesterday, so is aware of the relevant content covered in that discussion, but if there are sections of your evidence you would like to draw his attention to before the meeting then let me know.

Mr Hamilton is happy for you to cover in the meeting any matters related to the Ministerial Code that you did not get opportunity to include in your evidence to the Committee. In terms of specific questions, Mr Hamilton would be interested in hearing more detail on the suggestion that failing to settle the judicial review constitutes a breach of the Ministerial Code.

If it would be helpful to arrange a short technical test in advance of the meeting to check the video conferencing arrangements work ok, I would be happy to facilitate this.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 27 February 2021 01:50
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

I note from one of your earlier emails in the exchanges below that Mr Hamilton is free on Monday 1st March and if that is more convenient for him, I'm available for a video call from 4.30pm onwards.

Might that be suitable?

I will be filming earlier that day and will accordingly have access to a better signal for the video call!

Please kindly let me know if that works for Mr Hamilton.

Thank you for your kind help with arranging this.

Alex

Sent from my iPad

On 26 Feb 2021, at 10:14, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Many thanks. Mr Hamilton would be happy to meet on Tuesday.

Are there any particular times on Tuesday that would be best for you? Mr Hamilton has a couple of other meetings on Tuesday, the schedule for which should be finalised later today. Once that is settled I can compare against your availability and suggest some specific times for the meeting.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 25 February 2021 11:04
To: [REDACTED] <[REDACTED]:[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Yes they have! Would Tuesday next week be of use to Mr Hamilton. Unfortunately I am filming on Monday but let me know. It is possible I could find a gap late afternoon/early evening on Monday if we can agree a time with a just a wee bit of flexibility.

Best Wishes

Alex Salmond

Sent from my iPad

On 25 Feb 2021, at 10:19, [REDACTED]:[REDACTED]@gov.scot wrote:

Dear Mr Salmond,

With apologies for contacting you again, as I understand that your plans for this week have changed for reasons beyond your control, I just wanted to check if you were able to provide any update on your availability early next week for a discussion with Mr Hamilton? Mr Hamilton would also be happy to arrange a call over the weekend if that would work for you.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 22 February 2021 11:25
To: 'Alex Salmond' <alex@alexsalmond.scot>
Subject: RE: Correspondence from Mr Hamilton [UNSCANNED]

Dear Mr Salmond,

Many thanks for your email. I have now had an opportunity to discuss this with Mr Hamilton.

Mr Hamilton is available on Friday afternoon from 3.30 pm onwards, but would also be free on Monday 1 March if you are available then? Whilst Mr Hamilton is keen to meet as soon as can be arranged, he is also aware that you may be giving evidence to the Parliamentary Committee this week and would ideally like to watch and consider your evidence to the Committee before he discusses things with you.

In terms of the practical arrangements, we have been using Cisco Webex for video calls. As well as Mr Hamilton, a member of the secretariat would attend the call to take notes and provide technical support if needed. In order for an accurate record of the conversation to be produced, the call would be recorded using the in-app recording function, and then transcribed. Once the transcript is agreed by attendees, the video would then be destroyed. I can

send through more detailed information on this, but wanted to check if you were content with these general arrangements.

Happy to discuss.

Best wishes,

[REDACTED]

[REDACTED] | Secretariat to the Independent Advisor under the Ministerial Code | Please contact me on Skype or on [REDACTED].

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 20 February 2021 01:54
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dear [REDACTED]

Happens to me all the time.

Looking at the terms of Mr Hamilton's letter could you also confirm to him that I would like to speak with him by video on my evidence. If it were suitable for Mr Hamilton I would be free on Friday next, 26th February.

Yours for Scotland

ALEX SALMOND

Sent from my iPad

On 19 Feb 2021, at 19:23, [REDACTED] <[REDACTED]@gov.scot> wrote:

Dear Mr Salmond,

Apologies, I hadn't seen anything come in earlier. I have now checked the obvious things that could have gone wrong, and found that for some bizarre reason your email had gone into my junk mail folder despite our previous correspondence.

Please accept my apologies for this- I will forward your email from this morning to Mr Hamilton now.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 19 February 2021 17:24
To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton [UNSCANNED]

Dea [REDACTED]

Has this letter crossed with my email?

I sent the answers this morning with a note and two appendices. Could you let me know you have received everything.

Best Wishes

Alex Salmond

Sent from my iPad

On 19 Feb 2021, at 17:18, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr Hamilton.

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 12 February 2021 12:40
To: 'Alex Salmond' <alex@alexsalmond.scot>
Subject: RE: Correspondence from Mr Hamilton

Dear Mr Salmond,

Thank you for your response. I have passed this to Mr Hamilton, who is happy that you provide written statements to the supplementary questions. However, if you would like to discuss matters Mr Hamilton would also be happy to arrange a video interview.

Best wishes,

[REDACTED]

From: Alex Salmond <alex@alexsalmond.scot>
Sent: 11 February 2021 09:56

To: [REDACTED] <[REDACTED]@gov.scot>
Subject: Re: Correspondence from Mr Hamilton

Dear [REDACTED]

Thank you for your note. I enclose a reply to Mr Hamilton.

Best Wishes

Alex Salmond

Mr James Hamilton
Independent Adviser on the Scottish Ministerial Code

11th February 2021

Dear Mr Hamilton

Thank you for your letter of 9th February.

If I may I shall reply within a few days when I have the opportunity to consult my notes. In addition, in preparing evidence for the Parliamentary Inquiry, I have come across some further documentary corroboration for points which I have already made.

I will be happy to send you this material along with the answers to your questions and provide a video interview as well if required.

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 9 Feb 2021, at 17:03, [REDACTED] [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Please see attached correspondence from Mr
Hamilton.

Best wishes,

[REDACTED] [REDACTED]

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<Correspondence for Alex Salmond- 9 Feb 2021.docx>

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<Salmond letter Feb 19 2021.docx>

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Correspondence with Mr Salmond

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]>
Date: Mon, 04 Jan 2021 14:43:48 +0000
Attachments: Mr Salmond- correspondence- 14 January.docx (18.27 kB)

Hi James,

Please see attached first draft of a letter to Mr Salmond. This is currently couched in terms of a request to use the information from the statement, as it doesn't seem to have been published yet. I think the Committee sometimes take some time to publish material, or publish redacted versions, so it may well not be public domain for some time. I will keep an eye on the webpage for any updates.

Looking through the various papers, I had found this statement from SG to the Committee on the complaints procedure which gives some background on the issues we discussed earlier re. the procedure, and also includes some stuff on the purpose of mediation (paragraph 23). I think it is still working asking the question in the Mr Salmond letter.

[SP_SGHC4 Written Statement Investigation of Complaints - 30 November 2020.pdf \(parliament.scot\)](#)

Best wishes,

[REDACTED]

James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E: [REDACTED]@gov.scot

Alex Salmond

By email to: [REDACTED]

5 January 2021

Dear Mr. Salmond,

Thank you for providing your written submission, which I have found very helpful, and which has raised some additional questions.

In your statement, you mention discussions concerning a process of mediation. Would you be able to confirm whether this proposed mediation was concerning the process to be followed when investigating complaints, or to examine the complaints themselves?

Your statement raises a number of issues where I would like to ask further questions of other participants, in particular the First Minister. In order to do so most effectively, it would be helpful if I was able to reference some of the points made in your statement and attribute the source of the information. Would you be content to give permission for me to do so?

Yours sincerely,

James Hamilton

Judicial review

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Mon, 04 Jan 2021 10:57:22 +0000

Hi James,

The original petition from the judicial review has been published on the Committee website:

[AS Initial Petition Redacted.pdf \(parliament.scot\)](#)

Best wishes,

[REDACTED]

From: [REDACTED]
Sent: 05 January 2021 13:21
To: James Hamilton [REDACTED]
Subject: RE: Correspondence with Mr Salmond

Please see attached updated letter- there's one comment on the judicial review stuff.

From: [REDACTED]
Sent: 05 January 2021 09:57
To: 'James Hamilton' [REDACTED]
Subject: RE: Correspondence with Mr Salmond

There's a fuller set of papers here:

[JR - Open Record - as redacted 23rd October 2020.pdf \(parliament.scot\)](#)

And a massive submission from Alex Salmond here:

[AS Documents \(Final Redactions 02.11.2020 GD PM\) Redacted.pdf \(parliament.scot\)](#)

I can formulate something for the letter that asks to be directed to materials or for them to be provided. Will update that now and send over a new draft.

From: James Hamilton [REDACTED]
Sent: 04 January 2021 18:28
To: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: Re: Correspondence with Mr Salmond

Also any written submissions.

J

On Mon, 4 Jan 2021 at 18:27, James Hamilton [REDACTED] wrote:
I would need to see supporting affidavits.

J

On Mon, 4 Jan 2021 at 18:22, James Hamilton [REDACTED] wrote:
OK, I will check it out.

J

On Mon, 4 Jan 2021 at 15:34, [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)> wrote:
Hi James,

Many thanks, I will update that. I didn't include the court documents as the initial petition plus various other documents are already published on the committee website- I've copied the link to the petition below as a start, as I wasn't sure if it gave the detail you were looking for.

[AS Initial Petition Redacted.pdf \(parliament.scot\)](#)

Best wishes,

[REDACTED]

From: James Hamilton [REDACTED]
Sent: 04 January 2021 15:21
To: [REDACTED]@gov.scot>
Subject: Re: Correspondence with Mr Salmond

Hi [REDACTED]

Agreed. In the last sentence of the letter I would ask if he has any objection rather than seeking permission. Also I would add after the reference to finding his statement "helpful" the words "in understanding your position". Also, I think I should ask to see the court documents but preferably with the names and any identifying details of the complainants redacted- it is the legal case he made which I am interested in.

Best

James

On Mon 4 Jan 2021 at 14:43 [REDACTED]@gov.scot> wrote:
Hi James,

Please see attached first draft of a letter to Mr Salmond. This is currently couched in terms of a request to use the information from the statement, as it doesn't seem to have been published yet. I think the Committee sometimes take some time to publish material, or publish redacted versions, so it may well not be public domain for some time. I will keep an eye on the webpage for any updates.

Looking through the various papers, I had found this statement from SG to the Committee on the complaints procedure which gives some background on the issues we discussed earlier re. the procedure, and also includes some stuff on the purpose of mediation (paragraph 23). I think it is still working asking the question in the Mr Salmond letter.

[SP SGHHC4 Written Statement Investigation of Complaints - 30 November 2020.pdf \(parliament.scot\)](#)

Best wishes,

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

James Hamilton
Independent Adviser on the Scottish Ministerial Code

c/o E [REDACTED]@gov.scot

Alex Salmond
By email to: [REDACTED]

5 January 2021

Dear Mr. Salmond,

Thank you for providing your written submission, which I have found very helpful in understanding your position, and which has raised some additional questions.

In your statement, you mention discussions concerning a process of mediation. Would you be able to confirm whether this proposed mediation was concerning the process to be followed when investigating complaints, or to examine the complaints themselves?

Your statement also discusses the events leading up to the Judicial Review. It would be helpful for me to understand the issues raised in the petition and supporting documents. I note that a number of these documents have been published by the Committee.

Commented [A1]: Update once considered if Committee website includes correct documents.

Your statement raises a number of issues where I would like to ask further questions of other participants, in particular the First Minister. In order to do so most effectively, it would be helpful if I was able to reference some of the points made in your statement and attribute the source of the information. Would you have any objection to this?

Yours sincerely,

James Hamilton

Committee meetings

From: [REDACTED]@gov.scot>
To: James Hamilton <[REDACTED]@[REDACTED]>
Date: Thu, 07 Jan 2021 12:27:50 +0000

Hi James,

I have looked into the expected procedure around reporting ministerial meetings. The expected sequence of events would be that the Minister would report any ad hoc meetings on government business to their private office at the next opportunity to do so. The private office would record the basic facts of the meeting (who, what, what the topic was etc), and record it in the Ministerial meeting log. This is published monthly, usually 3 weeks in arrears. The information can be found at this link: [Ministerial engagements, travel and gifts - gov.scot \(www.gov.scot\)](http://www.gov.scot/Ministerial%20engagements,%20travel%20and%20gifts)

I am speaking to colleagues about whether we have information on how often this situation occurs.

The latest information I have on the forthcoming Committee meetings is as follows:

12th January- Perm Sec and Liz Lloyd
17th January- Alex Salmond
26th January- FM

The video archive for the Committee can be found here- I've filtered it by the relevant committee.

[Scottish Parliament TV | Video Archive](#)

The dates of evidence sessions which might be of interest:

18 August: Permanent Secretary. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

25 August: James Hynd, Head of Cabinet, Parliament and Governance Division, Scottish Government; followed by Nicola Richards, Director of People, Scottish Government. Transcript here: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12762>

1 September: Dave Penman, General Secretary, FDA; and Malcolm Clark, Convenor of the Council of Scottish Government Unions and PCS Scottish Government Group President. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

8 September: Permanent Secretary and the Lord Advocate. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

15 September: Peter Housden, the former Permanent Secretary and Barbara Allison, the Director for Communications for the Scottish Government. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

27 October: Judith MacKinnon, Head of People Advice, Scottish Government; and then from Barbara Allison, Director for Communications, Ministerial Support & Facilities, Scottish Government. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

3 November: Paul Cackette, former Director of Legal Services, Scottish Government; and then from Sarah Davidson, former Director General Organisational Development and Operations, Scottish Government. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

17 November: Lord Advocate and the Permanent Secretary. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

1 December: 2 evidence sessions. First meeting: Judith Mackinnon, Head of People Advice; Gillian Russell, Director, Health Workforce; at the Scottish Government. Second Meeting: Nicola Richards, Director of People at the Scottish Government; and then from John Somers, Principal Private Secretary to the First Minister. Transcript here:
<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12985>.

8 December: Peter Murrell. Transcript here: [Official Report - Parliamentary Business : Scottish Parliament](#)

Best wishes,



RE: Ministerial Code investigation- video interview- availability

From: Permanent Secretary <permanentsecretary@gov.scot>
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <permanentsecretary@gov.scot>
Date: Fri, 08 Jan 2021 12:39:52 +0000

Hi [REDACTED]

I have sent a diary hold through to you for the 27th. If you could please forward this onto the relevant email for Mr Hamilton that would be great- as we do not seem to have one.

Many thanks

[REDACTED]

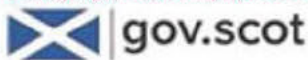
[REDACTED] [REDACTED] [REDACTED]

Office Manager and Diary Secretary to the Permanent Secretary
1N.07 | St. Andrews House | Edinburgh | EH1 3DG

[REDACTED] [REDACTED]@gov.scot

 Before you print think about the ENVIRONMENT

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the
Lobbying (Scotland) Act 2016. See www.lobbying.scot



From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 07 January 2021 12:58
To: [REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Thanks [REDACTED]

[REDACTED]

– please can you add to the diary?

Thanks

Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

andrew.bruce@gov.scot

From: [REDACTED]@gov.scot>
Sent: 07 January 2021 12:32
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

That would be great, thanks. I will let you know as soon as I can whether the meeting is required.

From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 07 January 2021 10:42
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]
Shall we hold 2.30-3.30 on Wednesday 27 January?
Thanks
Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]
andrew.bruce@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 07 January 2021 09:42
To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

An hour would be enough I think.

Best wishes,

[REDACTED]

From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 06 January 2021 17:53
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

No problem [REDACTED]
How long do you think we should set aside?
Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]
andrew.bruce@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 06 January 2021 17:07

To: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi Andy,

Apologies for the delay in getting back to you. Mr Hamilton could do any time that week. Could we hold a slot for a meeting in case it is needed? I can let you know closer to the time if it is required.

Happy to discuss.

Best wishes,

[REDACTED]

From: Bruce A (Andrew) <Andrew.Bruce@gov.scot>
Sent: 18 December 2020 17:35
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: RE: Ministerial Code investigation- video interview- availability

Hi [REDACTED]

Thanks for your message which I have discussed with the Permanent Secretary. She was wondering whether it would be possible to schedule an interview during the week commencing 25 January?

Thanks
Andy

Andy Bruce
Principal Private Secretary to the Permanent Secretary
Scottish Government

[REDACTED]

andrew.bruce@gov.scot

From: [REDACTED] <[REDACTED]@gov.scot>
Sent: 16 December 2020 12:37
To: Permanent Secretary <PermanentSecretary@gov.scot>
Subject: Ministerial Code investigation- video interview- availability

P/S Permanent Secretary,

As you know, James Hamilton is currently conducting an investigation into the First Minister's self-referral under the Ministerial Code. The Permanent Secretary has provided a written statement to Mr Hamilton.

As set out in his letter of September 2020, Mr Hamilton may wish to invite those who have provided written statements to him to participate in an interview to discuss the content of the written statement, and to allow Mr Hamilton to ask any supplementary questions.

Mr Hamilton is finalising his consideration of written statements, and would like to ask whether the Permanent Secretary would be available to participate in a video interview in the weeks commencing 11th and 18th January 2021?

Best wishes,

■■■■ ■■■■

From: [REDACTED]
To: [Alex Salmond](#)
Subject: RE: SUBMISSION - For the attention of James Hamilton
Date: 08 January 2021 17:48:00

Dear Mr Salmond,

Happy New Year!

Thank you for the enclosed note, I will pass this to Mr Hamilton.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 08 January 2021 16:56
To: [REDACTED]@gov.scot>
Subject: Re: SUBMISSION - For the attention of James Hamilton

Friday 8th January 2021

Dear [REDACTED]
d]

Happy New Year

I would be grateful if you could pass the enclosed note to Mr James Hamilton.

Yours for Scotland

Alex Salmond

Friday 8th January 2021

Mr James Hamilton
Independent Adviser to the Ministerial Code

Dear Mr Hamilton

A note to confirm that my submission on the Ministerial Code of 31st December last was sent to the Parliamentary Committee on 4 January and to members today. I now understand it has been given to at least one member of the press and this note is a courtesy to make you aware.

Further I have noticed a small typo on paragraph 34 of the submission. Where it reads in brackets (Official Report 10th January 2018) that should read (Official Report 10th January 2019). The correct reference to 2019 is previously made above at paragraph 32.

I hope this is of assistance

Yours for Scotland

Rt Hon Alex Salmond

Sent from my iPad

On 31 Dec 2020, at 16:39, [REDACTED]@gov.scot wrote:

Dear Mr Salmond,

Many thanks for sending this, I can confirm receipt of this submission and that I have sent it to Mr Hamilton.

I hope that you have had a good Christmas and that you have a happy New Year.

Best wishes,

[REDACTED]

From: Alex Salmond [REDACTED]
Sent: 31 December 2020 15:41
To: [REDACTED]@gov.scot>
Subject: SUBMISSION - For the attention of James Hamilton

Dear [REDACTED]

Correspondence for Mr Hamilton

Please see attached correspondence, submission and two appendices for the attention of Mr James Hamilton. Please confirm receipt and thank you for your assistance.

Best wishes for 2021

Yours for Scotland

Alex Salmond

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From: [REDACTED]
Sent: 09 January 2021 14:48
To: James Hamilton [REDACTED]
Subject: Salmond statement- media coverage

Hi James,

I've had a look at the committee webpage and I don't think that the full submission from Mr Salmond has been published yet, though a copy seems to have been sent to the press, and a partial statement published as part of the Committee papers for this week ([20210112SGHHCPublicPapers.pdf \(parliament.scot\)](#))

I've attached various articles covering the contents of the submission, and linked to others below. The main things of interest are that there is widespread comment on Salmond's claims re. breaches of the Ministerial code, widespread factual reporting of the Ministerial code inquiry (e.g. what it is, who is leading), and the line Salmond has issued notes he has also made a submission to the Ministerial code inquiry.

Mail	Alex Salmond accuses Nicola Sturgeon of giving 'untrue' evidence Daily Mail Online
Express	SNP news: Alex Salmond could end Nicola Sturgeon's career over claims FM broke ministerial UK News Express.co.uk
[REDACTED]	[REDACTED]
Scotsman	Alex Salmond inquiry: Former first minister brands Nicola Sturgeon's account 'simply untrue' in leaked evidence (msn.com)
Record	Alex Salmond accuses Nicola Sturgeon of breaching ministerial code and making "false" claims (msn.com)
The i	SNP: Alex Salmond claims Nicola Sturgeon misled the Scottish Parliament multiple times
Herald	Ian Blackford says Nicola Sturgeon 'acted honourably' as Alex Salmond claims she breached code HeraldScotland
P&J	Salmond's 'bombshell' accusation against Sturgeon could 'end her political career' Press and Journal
[REDACTED]	[REDACTED]
Sun	Salmond blasts Sturgeon in stunning attack over 'simply untrue' testimony to Holyrood inquiry into harassment claims (thescottishsun.co.uk)

Best wishes,



1. Salmond accuses Sturgeon of repeatedly misleading parliament and giving 'untrue' evidence to Holyrood probe

Opposition claim revelations expose "allegations of corrupt actions at heart of government" which if proven will be "resignation matter"

By [Daniel Sanderson](#), SCOTTISH CORRESPONDENT 8 January 2021 • 8:30pm

Alex Salmond has accused Nicola Sturgeon of repeatedly misleading the Scottish Parliament and committing multiple breaches of the ministerial code, in an extraordinary attack which opponents said could end her political career.

The former First Minister said some of his former protege's statements to Holyrood about her handling of sexual harassment complaints against him were "simply untrue" and accused her of making a "wholly false" claim in her own written evidence to a Holyrood inquiry probing the affair.

Under the code which governs the conduct of ministers, those who knowingly mislead parliament are expected to resign.

The submission written by Mr Salmond was provided to a separate inquiry into whether Ms Sturgeon broke the ministerial code, but was also sent to the Holyrood committee.

In a leaked submission written by Mr Salmond, seen by *The Daily Telegraph*, he alleges that Ms Sturgeon misled parliament on "on a number of occasions" over the nature of [a meeting he held with her at her home](#) on April 2, 2018, when they discussed the investigation.

He also said Ms Sturgeon's claim that [she had forgotten](#) about a meeting with a representative of Mr Salmond days previously, when the allegations were also discussed, was "untenable".

Opposition parties said the "bombshell" evidence raised significant doubts about Ms Sturgeon's political future, even with the SNP enjoying a huge lead in the polls ahead of May's Holyrood election.

Scotland's unionist parties hope that even if Ms Sturgeon survives the scandal, it will cut through with voters and dent the SNP's chances of claiming a majority, and a mandate for a new independence referendum.

Douglas Ross, the leader of the Scottish Conservatives, said the statement from Mr Salmond, once seen as Ms Sturgeon's mentor, exposed "allegations of shocking, deliberate and corrupt actions at the heart of government".

He added: "There is now clear evidence of Nicola Sturgeon abusing her power to deceive the Scottish public."

“If this proves to be correct, it is a resignation matter. No First Minister, at any time, can be allowed to get away with repeatedly and blatantly lying to the Scottish Parliament and breaking the Ministerial Code.”

The Holyrood inquiry is investigating how more than £500,000 of taxpayers’ money [came to be lost to Mr Salmond](#), after he successfully challenged the legality of an internal Scottish Government probe into sexual harassment complaints against him. He was awarded legal costs after a judge ruled the civil service investigation, conducted under a new policy drawn up after the onset of the MeToo movement, was “tainted by apparent bias”.

He was later [cleared of 13 sexual assault charges](#) at a trial last March, following a separate criminal probe.

Mr Salmond has always denied any criminality and his allies claim he was the victim of a politically-motivated plot designed to prevent him making a political comeback.

Ms Sturgeon has dismissed claims of a [conspiracy as “nonsense”](#).

In the submission, Mr Salmond claims that Ms Sturgeon also broke the ministerial code by failing to inform civil servants of meetings with him related to the investigation against him and by continuing to fight the case he brought even after legal advice stated prospects of success were slim.

He wrote that Ms Sturgeon had assured him at the private meeting in April 2018 that she would intervene in the civil service investigation against him, after he told her he believed the process was illegal and asked her for a mediation process to resolve the issues. Ms Sturgeon denies that she offered to interfere.

Mr Salmond said: “On 1st June 2018 the First Minister sent me a message which was the opposite of the assurance she had given on the 2nd April 2018 suggesting instead that she had always said that intervention was “not the right thing to do”. That was both untrue and disturbing.”

He added: “Most seriously, Parliament has been repeatedly misled on a number of occasions about the nature of the meeting of 2nd April 2018.”

A spokesman for Ms Sturgeon said she “entirely rejected” Mr Salmond’s claim that she broke the ministerial code.

He added: “We should always remember that the roots of this issue lie in complaints made by women about Alex Salmond’s behaviour whilst he was first minister.

“It is not surprising therefore that he continues to try to divert focus from that by seeking to malign the reputation of the first minister and by spinning false conspiracy theories. The first minister is concentrating on fighting the pandemic, stands by what she has said, and will address these matters in full when she appears at committee in the coming weeks.”

Mr Salmond said: “I can confirm that I submitted evidence to Mr James Hamilton, the Independent Adviser on the Ministerial Code, at his repeated request at the end of last year.

"The same evidence has now been given to the Parliamentary Committee, at their request, to assist with phase 4 of their Inquiry into the actions of Ministers and civil servants. It is a matter for Mr Hamilton and Committee members what they do with my evidence but I stand by the contents of the document and I am prepared to do so under oath in front of the Committee."

A spokeswoman for the Scottish Government said: "The First Minister and the Permanent Secretary stand by what has been said to Parliament and in written evidence to the committee. The Permanent Secretary has also already provided detailed answers in person to the committee and will provide further oral evidence on Tuesday. The First Minister looks forward to answering questions when she appears later this month.

"In relation to the Ministerial Code referral, Mr Hamilton has the freedom to investigate as he feels is appropriate and we will not prejudge that process."

2. Salmond: Sturgeon tricked me

[Kieran Andrews](#)

Saturday January 09 2021, 12.01am, The Times

Nicola Sturgeon persuaded Alex Salmond to rebut sexual harassment complaints against him in a bid to undermine his court case against the Scottish government, the former first minister believes.

In his submission to the investigation by James Hamilton, the independent adviser on the ministerial code who is examining whether the first minister has broken the ministerial code, Mr Salmond said that Ms Sturgeon urged him to “submit a substantive rebuttal” to allegations by two female civil servants.

He argues that by engaging with the complaints process he would be seen to be giving legitimacy to a procedure that was later found to be unlawful, unfair and tainted and tainted by apparent bias.

The complaints were made under a Scottish government process that was introduced in the wake of the MeToo scandal. Mr Salmond took the government to court, which ruled that the procedure was profoundly flawed because of contact between [Judith Mackinnon](#), the investigating officer, and the complainants. Mr Salmond was awarded £512,000 in costs after the outcome of the judicial review at the Court of Session.

The former first minister had suggested using arbitration to rule on whether the process was lawful rather than taking the case to court but that was rejected by the Scottish government.

In his evidence to Mr Hamilton, which has also been sent to MSPs on a separate Holyrood inquiry into the botched handling of the complaints, Mr Salmond claimed that Ms Sturgeon “suggested that the general complaints already answered

were of little consequence and would be dismissed, and then assured me that my submission would be judged fairly”.

He added: “She told me I would receive a letter from the permanent secretary offering me further time to submit such a rebuttal which duly arrived later that day. As it turned out the rebuttal once submitted was given only cursory examination by the investigating officer in the course of a single day and she had already submitted her final report to the permanent secretary.

“My view is now that it was believed that my submission of a rebuttal would weaken the case for judicial review (my involvement in rebutting the substance of the complaints being seen to cure the procedural unfairness) and that the first minister’s phone call of 18th July 2018 and the permanent secretary’s letter of the same date suggesting that it was in my ‘interests’ to submit a substantive response was designed to achieve that.”

A spokesman for Ms Sturgeon, who was Mr Salmond’s deputy for a decade as the SNP rose to power, rejected the claims last night and accused her former mentor of “seeking to malign the reputation of the first minister by spinning false conspiracy theories”.

In November, it emerged that [Leslie Evans](#), the permanent secretary, had told Mr Salmond’s legal team some years earlier that bringing in an independent arbiter to rule on the disagreement over the Scottish government’s harassment policy would be inappropriate and unfair to the complainers. She added that it would further delay the investigation which was her responsibility to resolve as quickly as possible.

Ms Evans will give evidence on Tuesday to the cross-party committee investigating the government’s botched investigation. A Scottish government spokesman said: “The first minister and the permanent secretary stand by what has been said to parliament and in written evidence to the committee.”

Tale of two leaders

September 19, 2014: Alex Salmond quits as first minister after defeat in referendum. Nicola Sturgeon enters Bute House as Scottish government and SNP leader. According to Campbell Gunn, a former adviser to both politicians, she ignored Mr Salmond's warnings that retaining her husband, Peter Murrell, as SNP chief executive would be perceived as a party ruled by a personal fiefdom.

June 8, 2017: Mr Salmond loses his seat at Westminster. He announces a run on the Edinburgh Fringe. A year later The Alex Salmond Show airs on the Kremlin-backed TV station RT, a move that Ms Sturgeon would have advised against.

November 4: Me Too movement gathers pace and Mark McDonald steps down as minister over inappropriate behaviour towards women. Claims about Mr Salmond are raised with the SNP by Sky News on the day Mr McDonald quits. Ms Sturgeon says Mr Salmond "denied it". She unveils an overhaul of the government complaints system that includes investigating former ministers. Separate complaints are later made against Mr Salmond.

March 29, 2018: Ms Sturgeon meets Geoff Aberdeen, Mr Salmond's ex-chief of staff. She is told Mr Salmond wants to see her "urgently about a serious matter" that "might relate to allegations of a sexual nature". They meet at her house on April 2, at SNP conference on June 7 and at Ms Sturgeon's home on July 14. They speak by telephone on April 23, July 18 and swap messages on Whatsapp. No records were kept. Ms Sturgeon told Leslie Evans, the permanent secretary, of the meetings on June 6 as Mr Salmond said he was preparing to sue the government.

August 23: The Daily Record reveals Mr Salmond is being investigated for alleged sexual misconduct when he was first minister. A judicial review is launched into the Scottish government's handling of the allegations made against Mr Salmond.

January 8, 2019: The judicial review rules the government process was unlawful, unfair and tainted by apparent bias. He is later awarded £512,000 in costs. Ms Sturgeon tells MSPs of her contacts with him, which she said were all party not government business. The ministerial code says meetings on government business must be recorded. Ms Sturgeon did not tell MSPs about the meeting with Mr Aberdeen, which she said she had forgotten took place. A minister found to have knowingly misled parliament “will be expected to offer their resignation” under the code. Opponents have raised concerns about the blurring of lines between party and state, which some believe may have seen government resources used to solve the SNP’s political problems.

January 24: Mr Salmond in court charged with 14 sexual offences. The next day Mr Murrell sends messages saying it is “a good time to be pressurising” the police.

March 23, 2020: Mr Salmond is acquitted. Allies say he was victim of a conspiracy. He says that he will release further details about the case later.

August 18: Holyrood inquiry begins and sees officials deny a plot against Mr Salmond. Ms Sturgeon and Mr Salmond are due to appear before MSPs early in 2021.

Q&A

What is Nicola Sturgeon alleged to have done wrong?

There are questions about whether the first minister followed proper procedure when she met Alex Salmond and discussed a Scottish government investigation into allegations of sexual harassment. There are two aspects to this. One is whether she should have kept records of the conversations, as per the ministerial code. The other is that she misled parliament over what she knew and when.

What is her account of what happened?

That the first she heard of the government's investigation was when Alex Salmond told her at a meeting in her home on April 2, 2018. She first told MSPs this was the case in January last year and yesterday repeated it. Her version of events contradicts evidence that says she discussed the case with Geoff Aberdein, Mr Salmond's former chief of staff, four days earlier in a parliamentary office. Ms Sturgeon says that discussion was vague and not about specific allegations.

What is the ministerial code and what is the ultimate sanction if it is broken?

It is the code of conduct for Scottish ministers and law officers. It sets the standard of behaviour that is expected from members of the government. It states: "Ministers who knowingly mislead the parliament will be expected to offer their resignation to the first minister."

What is the difference between party and government business?

Government money, which is raised through taxes to run the country, should not be used to help a political party. This includes ministers not being able to disseminate party political material and the banning of government property being used for party meetings.

Why does this matter?

Ms Sturgeon would not be allowed to discuss party matters in her ministerial office in the parliament, which means the meeting with Mr Aberdein would break the rules if it were to discuss party business. She has said that her meetings with Mr Salmond, the first of which was arranged via the meeting with Mr Aberdein, were in her capacity as party leader. This means that she did not have to make any official record of them.

What is the role of Nicola Sturgeon's husband in all of this?

Peter Murrell is the chief executive of the SNP. He has admitted sending texts encouraging the police pursuit of Mr Salmond. He has said that Ms Sturgeon could not tell him what was discussed with Mr Salmond in their home. This suggests the conversation was regarded as a government matter, as it would be expected that the leader of a political party would tell its highest-ranking official of a potential looming scandal.

When are Alex Salmond and Nicola Sturgeon be questioned?

The first minister will be the final witness in front of Holyrood's inquiry into the government's handling of the complaints against Mr Salmond. The former first minister will appear before the same MSPs the week before. The two evidence sessions had been pencilled in for the end of this month but the dates are now uncertain because of Covid restrictions.

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4. Salmond Strikes

5. Sturgeon's political career was saved by the man who now seems intent on ending it

Saturday January 09 2021, 12.01am, The Times
Share

Though she may prefer not to acknowledge it, these days Nicola Sturgeon owes her political career to Alex Salmond. When Mr Salmond stood in 2004 for a second stint as SNP leader he did so because it was apparent that his preferred candidate for the job, Ms Sturgeon, was going to lose. Rather than see the leadership of the party fall into the hands of the fundamentalists who rejected his gradualist approach to achieving Scottish independence, [Mr Salmond](#) offered his protege the chance to run on a joint leadership ticket. The truth is that Ms Sturgeon's political ambitions were saved by the man to whom she served as deputy until his resignation after the referendum defeat in 2014. Just as Mr Salmond once went out of his way to support the career of Ms Sturgeon, he is now exerting considerable effort into bringing it to an end. In a quite remarkable submission to the Holyrood inquiry into the Scottish government's botched investigation into allegations of sexual harassment levelled against him, Mr Salmond claims that [Ms Sturgeon](#)'s testimony to investigating MSPs was "simply untrue". The first minister has, her predecessor says, misled parliament and broken the ministerial code. If this accusation is proved accurate Ms Sturgeon's political career will come to an ignominious end. Mr Salmond's broadside against his former ally marks a new low point in a relationship that seemed unbreakable. Together, Mr Salmond and Ms Sturgeon united the [SNP](#) — a party that had, for decades, been deeply split over how independence could be achieved. As a team

they marked up success after success, positioning their party as the dominant force in Scottish politics and delivering the [referendum](#) that their supporters so craved. True, the Salmond-Sturgeon partnership failed to win that vote, but they won over hundreds of thousands of Scots who had previously rejected the idea of secession and created real momentum for the nationalist cause. That can only be damaged by the split between the first minister and her mentor. While Ms Sturgeon continues to insist that independence can only be achieved through a referendum, a growing number of allies of Mr Salmond now clamour for a “Plan B”.

In recent internal SNP elections a number of members sympathetic to Mr Salmond won influential positions on the party’s national executive committee. Even if she were not now at war with her predecessor, Ms Sturgeon would surely be finding the business of leadership unusually difficult. Her foes number not only those who sit on the opposition benches at Holyrood but many of those who wield influence in the SNP.

As she tries to steward Scotland through the coronavirus [pandemic](#) and maintain some kind of unity in the SNP, Ms Sturgeon faces mounting pressure from Mr Salmond and his allies. Make no mistake; the former first minister’s submission to the Holyrood inquiry is potentially devastating.

When Mr Salmond walked from the High Court in Edinburgh last year after being cleared of all charges, he said there was evidence he wanted to have shown during his trial but that, for a variety of reasons, this had not been possible. At some point, he added, “that information, that fact, and that evidence” would see the light of day. That sounded like a warning to Ms Sturgeon. His submission to MSPs suggests that he will not be satisfied until Nicola Sturgeon is removed from office.

Nicola Sturgeon

6. Nicola Sturgeon is accused of 'untruths' by Alex Salmond

7. SNP leader broke ministerial code, says former mentor

[Kieran Andrews](#), Scottish Political Editor

Saturday January 09 2021, 12.00am, The Times

Alex Salmond has made an extraordinary personal attack on Nicola Sturgeon, calling her testimony to the inquiry into sexual assault claims made against him "simply untrue". The former first minister said that [Ms Sturgeon](#) misled parliament and had broken the ministerial code which, if he is correct, would almost certainly spell the end of her political career.

[Mr Salmond](#) said the breaches included a failure to inform the civil service in good time of her meetings with him, and allowing the Scottish government to contest a civil court case against him despite having had legal advice that it was likely to collapse.

Mr Salmond's allegations against Ms Sturgeon, who replaced him as first minister and leader of the [SNP](#) after the 2014 independence referendum, show how far [relations have soured](#) between the party's two most influential figures.

The ministerial code says that any meetings about government business should be recorded and that ministers must ensure the government complies with the law. A minister found to have knowingly misled Holyrood "will be expected to offer their resignation".

In a strongly worded statement, Ms Sturgeon said she "entirely rejected" Mr Salmond's claims that she had broken the ministerial code. "We should always remember that the roots of this issue lie in complaints made by women about Alex Salmond's behaviour whilst he was first minister, aspects of which he has conceded," a spokesman for the first minister said.

"It is not surprising therefore that he continues to try to divert focus from that by seeking to malign the reputation of the first minister and by spinning false conspiracy theories. The first minister is concentrating on fighting the [pandemic](#), stands by what she has said, and will address these matters in full when she appears at committee in the coming weeks."

Mr Salmond's claims were made in a submission to James Hamilton, the independent adviser to the Scottish government who is investigating Ms Sturgeon's conduct. The submission has been shared with a separate Holyrood inquiry into the Scottish government's unlawful handling of complaints against the former first minister.

In January 2019, the Scottish government admitted in the Court of Session that its investigation of Mr Salmond had been unfair and tainted by apparent bias. Mr Salmond was awarded £512,000 in costs. After the judgment Ms Sturgeon told MSPs that she became aware of the government's investigation of the allegations against Mr Salmond when he told her at a meeting in her home on April 2, 2018. It has since emerged that she met Geoff Aberdein, Mr Salmond's former chief of staff, in her office on March 29, 2018.

In her evidence to the cross-party Holyrood inquiry, Ms Sturgeon said she had forgotten that meeting. Mr Salmond said it had been arranged after Mr Aberdein was told of two allegations made under a complaints procedure set up after the MeToo movement. He said there "was never the slightest doubt" that the meeting was to discuss the complaints and arrange the April 2 meeting, and that any other suggestion was "simply untrue".

"The pre-arranged meeting in the Scottish parliament of March 29, 2018 was 'forgotten' about because acknowledging it would have rendered ridiculous the claim made by the first minister in parliament that it had been believed that the meeting on April 2 was on SNP party business and thus held at her private residence," Mr Salmond said.

"All participants in that meeting were fully aware of what the meeting was about and why it had been arranged. The meeting took place with a shared understanding of the issues for discussion — the complaints made and the Scottish government procedure which had been launched. The first minister's claim that it was ever thought to be about anything other than the complaints made against me is wholly false."

Ms Sturgeon has repeatedly said that she took the April 2 meeting with Mr Salmond in her capacity as leader of the SNP, rather than as first minister, because she thought her predecessor was planning to quit the party.

MSPs on the inquiry have been fighting to access and make public the Scottish government's legal advice. A heavily redacted memo released last month showed that officials had said the case had become "unsustainable".

Mr Salmond said yesterday he had submitted his evidence to Mr Hamilton. It has also been sent to all members of the Holyrood inquiry. "It is a matter for Mr Hamilton and committee members what they do with my evidence but I stand by the contents of the document and I am prepared to do so under oath in front of the committee," he said.

From: [REDACTED]
Sent: 09 January 2021 17:11
To: Hynd JS (James) <James.Hynd@gov.scot>; [REDACTED]
>; Deputy First Minister and Cabinet Secretary for Education and Skills
<DFMCSE@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Fraser L (Lesley)
<Lesley.Fraser@gov.scot>; [REDACTED]
>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]
>; [REDACTED]
>
Subject: RE: Quick question for DFM

Hi [REDACTED]

DFM wrote to Mr Hamilton at the time the PQs were issued- I've attached the letter as issued to Mr Hamilton. Happy to discuss the background if that would be helpful.

For completeness, we also answered an FOI on communication with Mr Hamilton on these issues, the response is attached.

Let me know if you need anything else,

Best wishes,

[REDACTED]
From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: 09 January 2021 16:38
To: [REDACTED] >; Deputy First Minister and Cabinet
Secretary for Education and Skills <DFMCSE@gov.scot>; Henderson G (Gavin)
<Gavin.Henderson@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED]
>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]
>
Subject: RE: Quick question for DFM

I was no longer involved at this point. I am copying on to Rebecca who may know.

James

Sent with BlackBerry Work
(www.blackberry.com)

From: [REDACTED] >
Date: Saturday, 09 Jan 2021, 4:33 pm
To: Deputy First Minister and Cabinet Secretary for Education and Skills
<DFMCSE@gov.scot>, Henderson G (Gavin) <Gavin.Henderson@gov.scot>, Fraser L (Lesley)

<Lesley.Fraser@gov.scot>, [REDACTED], Hynd JS (James)

<James.Hynd@gov.scot>

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>, [REDACTED]

[REDACTED] >

Subject: RE: Quick question for DFM

[REDACTED] sorry I've been looking and I'm struggling to find a letter linked to the 27 Oct PQs. Was this a letter from DFM to James Hamilton do you know?

Copying in James Hynd who might know about this.

[REDACTED]

[REDACTED]

Organisational Continuity

Blackberry: [REDACTED]

From: [REDACTED] > **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 09 January 2021 16:04

To: [REDACTED] >; Henderson G (Gavin)

<Gavin.Henderson@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED]

[REDACTED] >

Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]

[REDACTED] >

Subject: RE: Quick question for DFM

Hi [REDACTED]

That's great – thanks so much. Do you have a copy of the letter DFM refers to?

Thanks

[REDACTED]

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] | E: DFMCSE@gov.scot

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Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [REDACTED] >
Sent: 09 January 2021 16:00
To: Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED] >
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED] >
Subject: RE: Quick question for DFM

Relevant PQs below. The remit is included in the answer to the first one.

S5W-31054

To ask the Scottish Government whether it will provide an update on progress with the First Minister's self-referral under the Scottish Ministerial Code, which was announced on 13 January 2019.

Clare Adamson

Answer:

In my response to S5W:21344 on 31 January 2019, I advised Parliament that the Ministerial Code referral had to be paused to avoid any risk of prejudice to live criminal proceedings. Since the conclusion of those proceedings, the attention of the Government has been focussed on leading Scotland's response global health emergency. In light of the progress that has been made we are now able to re-commence the referral.

The referral will be led by James Hamilton, who is a standing member of the panel of independent advisers. Mr Hamilton is a former Director of Public Prosecutions in Ireland and has been an independent adviser since January 2013.

Mr Hamilton will now proceed with the referral and report as soon as he is able. The report will be published in line with the terms of the remit.

The remit for the referral is as follows:

Ministerial Code Referral: Remit for Independent Adviser

Background

It has been alleged that the First Minister breached the Scottish Ministerial Code in that she failed to feed back the basic facts of meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code. The meetings and discussions in question took place on:

- 29 March 2018 – Meeting between Ms Sturgeon and Geoff Aberdein, former Chief of Staff to Mr Salmond, Scottish Parliament
- 2 April 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.

- 23 April 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.
- 7 June 2018 - Meeting between Ms Sturgeon and Mr Salmond at SNP Conference, Aberdeen.
- 14 July 2018 - Meeting between Ms Sturgeon and Mr Salmond at Ms Sturgeon's home.
- 18 July 2018 - Telephone conversation between Ms Sturgeon and Mr Salmond.

It has been further suggested that, in light of those meetings, the First Minister may have attempted to influence the conduct of the investigation then being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure for Handling of Harassment Complaints involving Current or Former Ministers ("the Procedure").

Scottish Ministerial Code

The key relevant extracts from the Code are:

1.6. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions to Parliament and the public. The First Minister is, however, the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of those standards. Although the First Minister will not expect to comment on every matter which could conceivably be brought to his or her attention, Ministers can only remain in office for so long as they retain the First Minister's confidence.

1.7. Where he or she deems it appropriate, the First Minister may refer matters to the independent advisers on the Ministerial Code to provide him or her with advice on which to base his or her judgement about any action required in respect of Ministerial conduct. The findings of the independent advisers will be published.

Contacts with External Individuals and Organisations, including Outside Interest Groups and Lobbyists

4.22 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Meetings on official business should normally be arranged through Private Offices. A private secretary or official should be present for all discussions relating to Government business. Private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented. A monthly list of engagements carried out by all Ministers is published three months in arrears.

4.23 If Ministers meet external organisations or individuals and find themselves discussing official business without an official present – for example at a party conference, social occasion or on holiday – any significant content (such as substantive issues relating to Government decisions or contracts) should be passed back to their Private Offices as soon as possible after the event, who should arrange for the basic facts of such meetings to be recorded in accordance with paragraph 4.22 above.

The First Minister has, accordingly, referred the matter for consideration by one or both Independent Advisers for advice on which to base her judgement about any action required in accordance with the Code.

Remit

The remit for the referral is to:

1. Review any relevant documentation relating to the meetings and discussions listed above.
2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.
3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.
4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.
5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;
 - ii. whether there has been any breach of the Code and the nature of any such breach; and
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.
6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.

Timing

The Independent Adviser is invited to commence the investigation and submit a report as soon as possible.

Publication

The terms of this remit will be published.

The final report will be published. If required, the report will be redacted to remove the risk of any complainer being identified and otherwise to ensure compliance with the terms of the order made by the court in the criminal proceedings.

Payment

Appointment as an Independent Adviser does not attract payment. Reasonable travel and subsistence costs will be paid in line with normal Civil Service rules.

Secretariat

The Scottish Government will provide secretariat support as required.

SCOTTISH GOVERNMENT

S5W-32469

To ask the Scottish Government what discretion the independent adviser of the Scottish Ministerial Code, James Hamilton, has in his role to extend the remit of his investigation in the event that evidence comes to light of possible further breaches of the Code.

Alex Cole-Hamilton

Answer:

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

S5W-32472

To ask the Scottish Government whether the independent adviser of the Scottish Ministerial Code, James Hamilton, in his role regarding the referral of the First Minister, is limited solely to the remit detailed in the answer to question S5W-31054 by John Swinney on 3 August 2020.

Alex Cole-Hamilton

Answer:

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

To ask the Scottish Government whether the referral of the First Minister to the independent adviser of the Scottish Ministerial Code, James Hamilton, includes within its remit for him to ascertain whether she misled the Parliament at any point in respect of (a) her meetings regarding the Scottish Government investigation of Alex Salmond, (b) the timeline of her knowledge of complaints against him and (c) when she first knew that those complaints were subject to the Scottish Government's complaints handling procedure.

Alex Cole-Hamilton

Parliament was advised on 3 August 2020 about the terms of the remit for the Ministerial Code referral in PQ answer S5W 31054. The decision to proceed with a referral and the setting of its terms are consistent with the provisions set out in the Ministerial Code and have been agreed with the Independent Adviser. The terms of the remit address the concerns that have been raised about the First Minister's compliance with specific aspects of the Code in relation to certain meetings and other contacts, as described in the remit. As indicated by the First Minister at First Minister's Questions on 29 October, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

From: Henderson G (Gavin) <Gavin.Henderson@gov.scot>
Sent: 09 January 2021 15:34
To: Deputy First Minister and Cabinet Secretary for Education and Skills
 <DFMCSE@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED]
 [REDACTED] >; Moffat J (Jane) <Jane.Moffat@gov.scot>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]
 [REDACTED] >
Subject: RE: Quick question for DFM

Gavin

From: [REDACTED] > **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 09 January 2021 15:30
To: Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Fraser L (Lesley) <Lesley.Fraser@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills

<DFMCSE@gov.scot>

Subject: Quick question for DFM

Hi Gavin/Lesley

Looking for a wee favour please – DFM has asked for the PQ answer he had which essentially said Mr Hamilton can consider what he likes and the letter that went with it. He also would like a copy of the remit of his inquiry.

I think there has been a few PQs re this and I want to make sure I'm looking at the right one especially as he refers to a letter going with it. I would be grateful if somebody at your end could confirm which PQ it is and also share the letter and remit with me.

DFM has asked to see this sometime today please.

Many thanks

[REDACTED]

[REDACTED]

DPS to DFM

[REDACTED]



E : [REDACTED]

[REDACTED]

Our Reference: 202000108998

4 December 2020

Dear [REDACTED],

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002(FOISA)

Thank you for your request dated 6 November 2020 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

Does the remit of the Investigation being conducted by James Hamilton officially include whether there has been ANY breach of ANY part of the Ministerial Code by the First Minister - including section 1.3(c) - or is his brief restricted to the narrower aspects of the Code specified in the remit published by the Scottish Government on 3 August?

And whichever of the above applies, has Mr Hamilton been made clearly aware of which aspects of the Code he's being asked to rule on, particularly in the light of the recent comments by Mr Salmond, Mr Cole-Hamilton, Mr Fraser and Ms Baillie?

Response to your request

The information you have requested is set out below.

In response to your first question, in delivering the remit the Independent Adviser is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

In response to your second question, Mr Hamilton is fully aware of his remit and that he is not constrained in taking evidence and reporting on other aspects of the Ministerial Code that he deems to be relevant.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to David Rogers at david.rogers@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

A solid black rectangular box used to redact a signature.

FAO James Hamilton QC- re Ministerial code investigation

From: "Cole-Hamilton A (Alex), MSP" <alex.cole-hamilton.msp@parliament.scot>
To: [REDACTED]@gov.scot>
Cc: "Baillie J (Jackie), MSP" <jackie.baillie.msp@parliament.scot>, "Fraser M (Murdo), MSP" <murdo.fraser.msp@parliament.scot>, "Mitchell M (Margaret), MSP" <margaret.mitchell.msp@parliament.scot>
Date: Sun, 10 Jan 2021 20:11:14 +0000
Attachments: Letter to JHQC Jan21.docx (26.08 kB)

Dear [REDACTED],

I understand that you have been seconded to support James Hamilton QC as he conducts the ongoing Ministerial code investigation into Nicola Sturgeon.

I attach a letter to Mr Hamilton from Myself, Jackie Baillie MSP, Murdo Fraser MSP and Margaret Mitchell MSP.

I'd be grateful if you could pass this to Mr Hamilton at your earliest convenience.

Kind regards and keep well
Alex

Alex Cole-Hamilton
Member of the Scottish Parliament for Edinburgh Western Constituency
The Scottish Parliament | Edinburgh | EH99 1SP and 151 St John's Road I
Edinburgh I EH12 7SD
alex.cole-hamilton.msp@parliament.scot

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10th January 2021

Dear Mr Hamilton

Your investigation into Nicola Sturgeon MSP under the terms of the Scottish Ministerial code

We are writing to you as a cross party group of MSPs, informed by our work as members of the committee of inquiry into the Scottish Government Handling of Harassment Complaints.

We note that under the terms of the self-referral by Nicola Sturgeon, your Ministerial Code investigation is currently limited to ascertaining whether the First Minister failed to feed back the basic facts of several meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code and furthermore whether she sought to influence the government handling of the complaints against him in any way.

Following sight of the account of the Former First Minister published on Friday and in light of other material available to our committee, we believe it is now vital that your investigation be expanded to include consideration of another potential breach, by the First Minister, this time of Section 1 (c) of the Ministerial code:

“Section 1 (c) It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Parliament will be expected to offer their resignation to the First Minister;”

Mr Salmond’s submission raises many questions, some are beyond the scope of our inquiry, but they are clearly at odds with the account of events offered to Parliament by the First Minister. If corroborated, Mr Salmond’s evidence could prove that the First Minister knowingly misled Parliament both orally and in writing on several occasions about when she first knew that the government

was investigating complaints against the former First Minister and of her actions around the same. Equally, Mr Salmond may be fabricating his assertions in an effort to damage Ms Sturgeon. In any case these two versions of events cannot both be true and we believe it to be of paramount importance to the national interest that the facts of the matter are established.

It has been suggested that you are at liberty to expand the remit of your inquiry as you see fit. Indeed, on the 29th of October 2020, Nicola said at First Minister's Questions:

"My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them."

You are independent of Scottish Ministers so may be unencumbered from expanding your own remit as the First Minister suggests. We would be grateful if you could clarify whether this is the case as you see it and if so whether you will now expand your investigation in the way we have asked.

We have written, today, to the Deputy First Minister asking him formally to expand your remit by directive should, you decide it is not within your power to do so yourself.

We look forward to your response.

Alex Cole-Hamilton MSP

Margaret Mitchell MSP

Jackie Baillie MSP

Murdo Fraser MSP

RE: Ministerial code investigation

From: [REDACTED]@gov.scot>
To: Hynd JS (James) <james.hynd@gov.scot>, [REDACTED]
[REDACTED]@gov.scot>, Rogers D (David) (Constitution and Cabinet Director)
<david.rogers@gov.scot>
Cc: Rennick NS (Neil) <neil.rennick@gov.scot>
Date: Mon, 11 Jan 2021 09:49:21 +0000

Hi [REDACTED]

~

I think this would sit with me to deal with. I will have a look at it shortly.

~

Happy to discuss.

~

Best wishes,

~

[REDACTED]

~

From: Hynd JS (James) <James.Hynd@gov.scot>
Sent: 11 January 2021 09:37
To: [REDACTED]@gov.scot>; Rogers D (David) (Constitution and
Cabinet Director) <David.Rogers@gov.scot>; [REDACTED]@gov.scot>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: RE: Ministerial code investigation

~

[REDACTED]

~

As you know I am recused from any involvement in Mr Hamilton's enquiries. I am passing on the letter to [REDACTED] [REDACTED] who is leading on these matters.

~

James

~

James Hynd
Head of Cabinet, Parliament and Governance Division
Room 4N:03
St Andrew's House
Edinburgh

[REDACTED]

~

~

~

From: [REDACTED]@gov.scot>
Sent: 11 January 2021 09:09
To: Hynd JS (James) <James.Hynd@gov.scot>; Rogers D (David) (Constitution and Cabinet
Director) <David.Rogers@gov.scot>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: FW: Ministerial code investigation
Importance: High

~

James, David,

~

Do you have a view as to whether this sits with you given the ministerial code issues?

~

Thanks,

~

~

From: [REDACTED] <[REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 10 January 2021 18:42
To: Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Hope-Jones P (Peter) <[REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>; Macniven R (Ruairaidh) <Ruairaidh.Macniven@gov.scot>; French C (Craig) <Craig.French@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Subject: FW: Ministerial code investigation
Importance: High

~

All,

~

Please see attached letter just received. Grateful for urgent advice/draft reply.

~

Many thanks

~

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG [REDACTED] | E: DFMCSE@gov.scot

~

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~

From: Cole-Hamilton A (Alex), MSP <Alex.Cole-Hamilton.msp@parliament.scot>
Sent: 10 January 2021 18:33
To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Swinney J (John), MSP <John.Swinney.msp@parliament.scot>
Cc: Baillie J (Jackie), MSP <Jackie.Baillie.msp@parliament.scot>; Mitchell M (Margaret), MSP <Margaret.Mitchell.msp@parliament.scot>; Fraser M (Murdo), MSP <Murdo.Fraser.msp@parliament.scot>
Subject: Ministerial code investigation
Importance: High

~

Dear John

~

Please find attached a joint letter from myself, Jackie Baillie, Murdo Fraser and Margaret Mitchell, formally asking you to expand the remit of the current Ministerial Code investigation into the actions of Nicola Sturgeon MSP, undertaken by James Hamilton QC.

~

We look forward to your response.

Best wishes and keep well

\~

Alex

And on behalf of Jackie, Murdo and Margaret.

\~

Alex Cole-Hamilton

Member of the Scottish Parliament for Edinburgh Western Constituency

The Scottish Parliament | Edinburgh | EH99 1SP and 151 St John's Road |

Edinburgh | EH12 7SD

alex.cole-hamilton.msp@parliament.scot

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RE: Ministerial code investigation

From: Hynd JS (James) <james.hynd@gov.scot>
To: [REDACTED]@gov.scot>, Rogers D (David) (Constitution and Cabinet Director) <david.rogers@gov.scot>, [REDACTED] <[REDACTED]@gov.scot>
Cc: Rennick NS (Neil) <neil.rennick@gov.scot>
Date: Mon, 11 Jan 2021 09:36:58 +0000
Attachments: Letter to DFM Jan21.docx (26.37 kB)

[REDACTED]
 ~
 As you know I am recused from any involvement in Mr Hamilton's enquiries. I am passing on the letter to [REDACTED] [REDACTED] who is leading on these matters.

~
 James
 James Hynd
 Head of Cabinet, Parliament and Governance Division
 Room 4N:03
 St Andrew's House
 Edinburgh
 [REDACTED]

~
 ~
 ~

From: [REDACTED]@gov.scot>
Sent: 11 January 2021 09:09
To: Hynd JS (James) <James.Hynd@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Subject: FW: Ministerial code investigation
Importance: High

~
 James, David,
 ~
 Do you have a view as to whether this sits with you given the ministerial code issues?

~
 Thanks,
 ~

[REDACTED]
 ~

From: [REDACTED]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills
Sent: 10 January 2021 18:42
To: Fraser L (Lesley) <Lesley.Fraser@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [REDACTED]@gov.scot>; Macniven R (Ruairaidh) <Ruairaidh.Macniven@gov.scot>; French C (Craig) <Craig.French@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: FW: Ministerial code investigation

Importance: High

~

All,

~

Please see attached letter just received. Grateful for urgent advice/draft reply.

~

Many thanks

~

[REDACTED]

~

[REDACTED] | Deputy Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education & Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG [REDACTED] | E: DFMCSE@gov.scot

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~

From: Cole-Hamilton A (Alex), MSP <Alex.Cole-Hamilton.msp@parliament.scot>

Sent: 10 January 2021 18:33

To: Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Swinney J (John), MSP <John.Swinney.msp@parliament.scot>

Cc: Baillie J (Jackie), MSP <Jackie.Baillie.msp@parliament.scot>; Mitchell M (Margaret), MSP <Margaret.Mitchell.msp@parliament.scot>; Fraser M (Murdo), MSP <Murdo.Fraser.msp@parliament.scot>

Subject: Ministerial code investigation

Importance: High

~

Dear John

~

Please find attached a joint letter from myself, Jackie Baillie, Murdo Fraser and Margaret Mitchell, formally asking you to expand the remit of the current Ministerial Code investigation into the actions of Nicola Sturgeon MSP, undertaken by James Hamilton QC.

~

We look forward to your response.

Best wishes and keep well

~

Alex

And on behalf of Jackie, Murdo and Margaret.

~

Alex Cole-Hamilton

Member of the Scottish Parliament for Edinburgh Western Constituency

The Scottish Parliament | Edinburgh | EH99 1SP and 151 St John's Road |

Edinburgh | EH12 7SD

alex.cole-hamilton.msp@parliament.scot

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10th January 2021

Dear Deputy First Minister,

Formal request to expand the current Ministerial Code investigation of Nicola Sturgeon MSP, to include possible breaches of Section 1 (c).

We are writing to you as a cross party group of MSPs, informed by our work as members of the committee of inquiry into the Scottish Government Handling of Harassment Complaints. We ask that you formally expand the remit of the current investigation into whether Nicola Sturgeon breached the Ministerial code under the terms of Section 1(c) in relation to the harassment complaints against Alex Salmond, the government's handling of the same and her statements to Parliament on this matter.

Under the terms of the self-referral by Nicola Sturgeon, James Hamilton QC is currently limited to ascertaining whether the First Minister failed to feed back the basic facts of several meetings and discussions held with Alex Salmond to her private office as required by sections 4.22 and 4.23 of the Code and furthermore whether she sought to influence the government handling of the complaints against him in any way.

Following sight of the account of the Former First Minister published on Friday and in light of other material available to our committee, we believe it is now vital that Mr Hamilton's investigation be expanded to include consideration of another potential breach, by the First Minister, this time of Section 1 (c) of the Ministerial code:

"Section 1 (c) It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Parliament will be expected to offer their resignation to the First Minister;"

Mr Salmond's submission raises many questions, some are beyond the scope of our inquiry, but they are clearly at odds with the account of events offered to Parliament by the First Minister. If corroborated, Mr Salmond's evidence could prove that the First Minister knowingly misled Parliament both orally and in writing on several occasions about when she first knew that your government was investigating complaints against the former First Minister and of her actions around the same. Equally, Mr Salmond may be fabricating his assertions in an effort to damage Ms Sturgeon. In any case these two versions of events cannot both be true and we believe it to be of paramount importance to the national interest that the facts of the matter are established.

When asked previously, both yourself and the First Minister have repeatedly suggested that James Hamilton QC is at liberty to expand the remit of his inquiry should the evidence require it. Indeed, on the 29th of October 2020, Nicola said at First Minister's Questions:

"My view right now is that James Hamilton, who is the adviser undertaking the investigation into the ministerial code, is not restricted at all in the issues that he can look at. If he thinks that there are any issues that engage the ministerial code or could in any way constitute a breach of the ministerial code, my view is that he is free to look at them."

However, we understand that as he is engaged in a quasi-judicial process, he cannot indulge in mission creep and that the remit may only be formally expanded by an official directive from your government.

Please consider this a formal request for you to widen the remit of Mr Hamilton's investigation with such a directive.

We look forward to your response.

Alex Cole-Hamilton MSP

Margaret Mitchell MSP

Jackie Baillie MSP

Murdo Fraser MSP

Re: Draft letter for DFM

From: James Hamilton <[REDACTED]@[REDACTED]>
To: [REDACTED]@gov.scot>
Date: Mon, 11 Jan 2021 16:00:38 +0000
Attachments: JH Rev.DFM letter- January 2021 (1).docx (9.02 kB)

Dear [REDACTED]

Draft letter with some revisions. Please let me know if you see any difficulties with the letter.

Can you also prepare a reply to go to the MSPs when I hear back from the DFM.

Best wishes

James

On Mon, 11 Jan 2021 at 15:08, <[REDACTED]@gov.scot> wrote:

Hi James.,

Please see attached first draft of a letter to DFM concerning the remit. I included the text on mediation as it seemed to me that the remit would cover this set of issues already- happy to discuss.

Best wishes,

[REDACTED]

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Dear Deputy First Minister,

I have received a letter from a number of MSPs, including Alex Cole-Hamilton, asking that I consider whether the First Minister broke Section 1(c) of the Ministerial code in relation to reporting to the Parliament of meetings between herself and Geoff Aberdein. I understand that Mr Cole-Hamilton and colleagues have also written to you on this subject.

As you know, in your reply to a parliamentary question in the Scottish Parliament on 3 August 2020, having made an express reference to sections 4.22 and 4.23 of the Ministerial Code, and having set out the sequence of meetings and discussions between the First Minister and Alex Salmond, you concluded with the statement that the remit for the referral was as follows:

- 1. Review any relevant documentation relating to the meetings and discussions listed above.*
- 2. Interview any Minister or official of the Scottish Government, including Special Advisers, who may have any knowledge of the facts and content of the meetings and discussions, to assess whether the Ministerial Code is engaged and, if so, whether the terms of the Code have been complied with.*
- 3. Interview any relevant person outwith the Scottish Government, including the former First Minister, Alex Salmond, who may have information relating to the facts and content of the meetings and discussions.*
- 4. Determine if there is any evidence that the First Minister attempted to use information discussed during those meetings and discussions to influence the conduct of the investigation being undertaken by the Permanent Secretary into allegations made against Mr Salmond under the Procedure.*
- 5. Provide the Deputy First Minister with a report setting out the findings and conclusions with regard to:*
 - i. whether the Ministerial Code is engaged regarding the meetings and discussions;*
 - ii. whether there has been any breach of the Code and the nature of any such breach; and*
 - iii. if a breach has occurred, advice on the appropriate remedy or sanction.*
- 6. The Independent Adviser is further invited to consider and offer views on whether the Ministerial Code might need revision to reflect the terms of the Procedure and the strict limitations it places on the involvement of the First Minister in cases which fall to be considered under the Procedure.*

Having considered the evidence submitted to me by various participants, and the issues raised on this topic, I consider that the issue of reporting of meetings by the First Minister to the Parliament on a broad view appears to be within the scope of the remit but even on a narrower view is so closely connected to the remit that I am minded to include this within the scope of my report.

I also wanted to note that I consider the allegations made by Mr Salmond concerning whether or not the First Minister should have intervened to arrange a process of mediation to be within the scope of the remit set out above.

I thought it appropriate to communicate this view to you before replying to the MSPs in case you wish to make any observations on the matter.

I hope this information is helpful.

Yours sincerely,

James Hamilton